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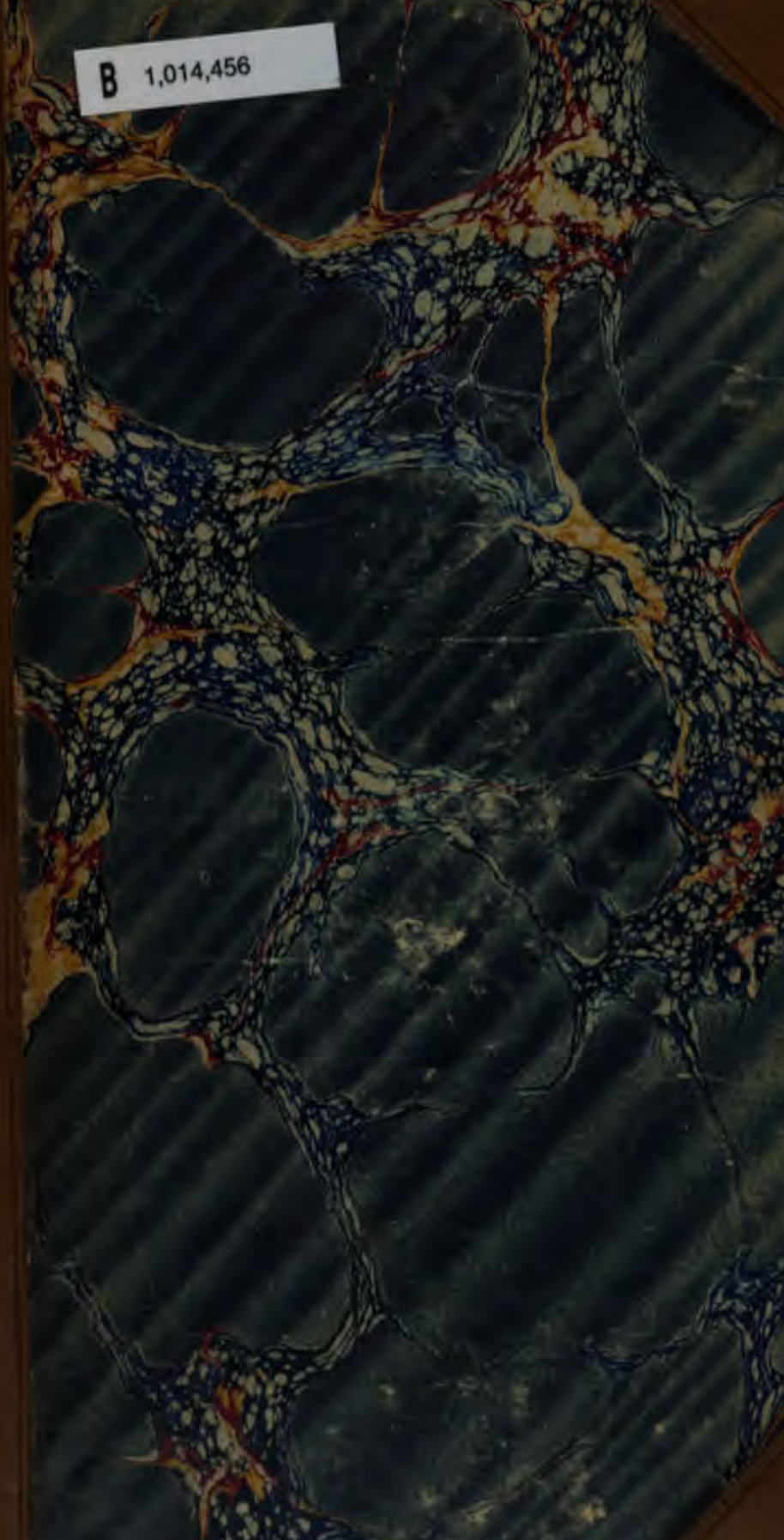
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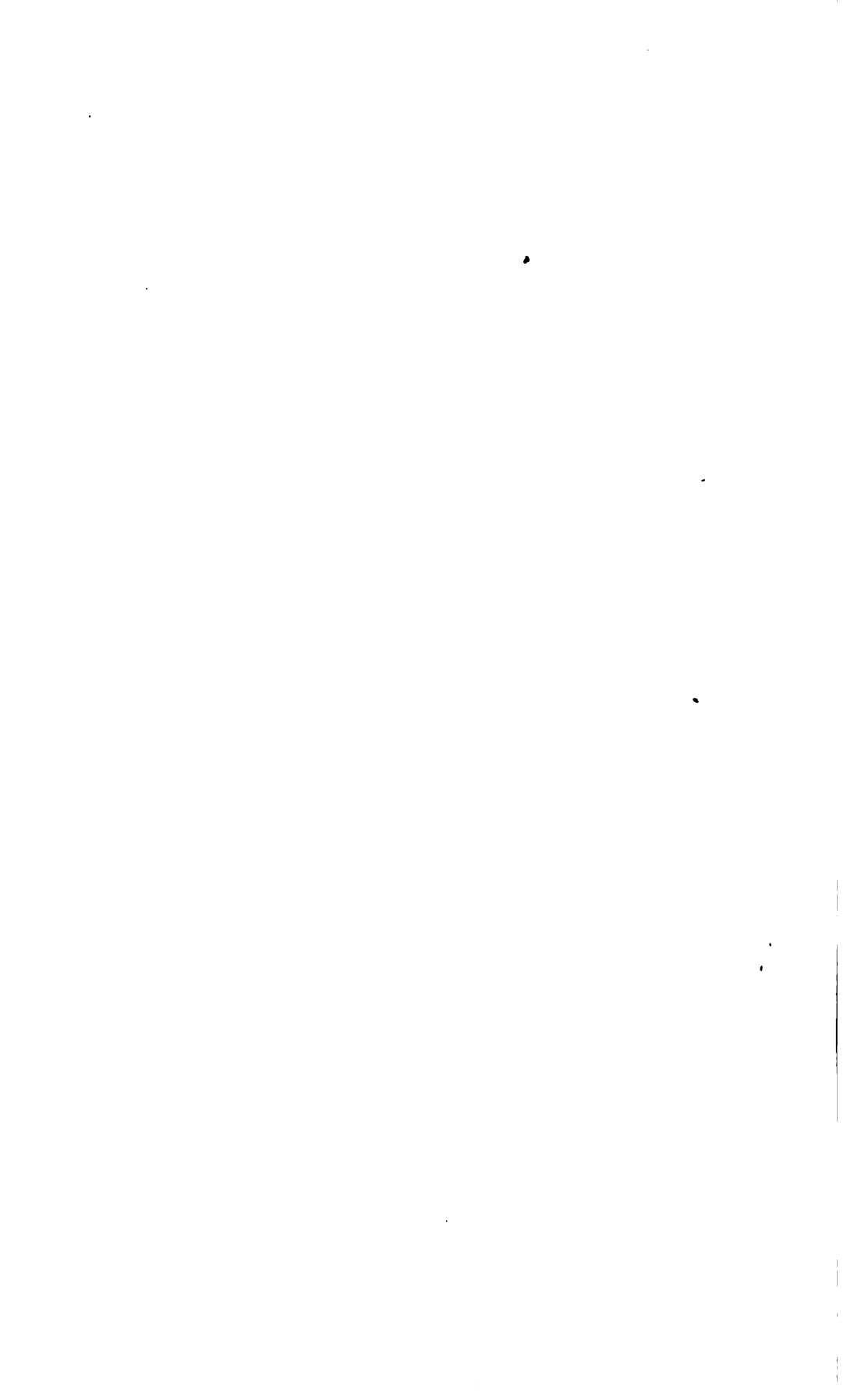
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**HANSARD'S  
PARLIAMENTARY DEBATES,**

**THIRD SERIES:**

**COMMENCING WITH THE ACCESSION OF**

**WILLIAM IV.**

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**43° & 44° VICTORIÆ, 1880.**

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**VOL. CCLV.**

**COMPRISING THE PERIOD FROM**

**THE THIRD DAY OF AUGUST 1880,**

**TO**

**THE TWENTY-FOURTH DAY OF AUGUST 1880.**

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**FOURTH VOLUME OF THE SECOND SESSION.**

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### Hares and Rabbits Bill [Bill 194]—

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### Census (Scotland) Bill [*Lords*] [Bill 286]—

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## ORDERS OF THE DAY.

### Hares and Rabbits Bill [Bill 194]—

Order read, for resuming Adjourned Debate on Question [10th August], "That it be an Instruction to the Committee, that they have power to extend the provisions of the Bill to all game,"—( <i>Mr. Labouchere</i> .)	
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<b>Hares and Rabbits Bill [Bill 194]—</b>	
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After short debate, it being ten minutes before Seven of the clock, the Debate stood adjourned till <i>this day</i> .	
<b>Census (Scotland) Bill [Lords] [Bill 286]—</b>	
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<b>Hares and Rabbits Bill [Bill 194]—</b>	
Order read, for resuming Adjourned Debate on Question [10th August], "That it be an Instruction to the Committee, that they have power to extend the provi- sions of the Bill to all game,"—( <i>Mr. Labouchere</i> .)	
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*Resolved*, That, in addition to the sum of £100,816 already granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court

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- Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Beresford Hope*.)
- Question proposed, "That the word 'now' stand part of the Question:"
- After long debate, Question put:—The House *divided*; Ayes 258, Noes 79; Majority 179.
- Division List, Ayes and Noes .. 1068
- Main Question put, and *agreed to*:—Bill read a second time, and *committed for Monday next*.

### Post Office (Money Orders) Bill [Bill 172]—

- Bill *considered* in Committee .. 1071
- After some time spent therein, Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

### County Courts Jurisdiction in Lunacy (Ireland) Bill [*Lords*]

- Moved*, "That the Bill be now read a second time,"—(*Mr. Solicitor General for Ireland*) .. 1081
- Motion *agreed to*:—Bill read a second time, and *committed for Monday next*.

### Assaults on Young Persons Bill [Bill 304]—

- Bill *considered* in Committee .. 1082
- After short time spent therein, Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

## LORDS, FRIDAY, AUGUST 13.

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### ORDER OF THE DAY.

#### Employers' Liability Bill [Bill 303]—

*Moved*, "That the Bill, as amended, be now taken into Consideration,"  
—(*Mr. Dodson*) .. 1104

After short debate, Question put, and *agreed to*:—Bill, as amended, *considered*.

After debate, it being ten minutes before Seven of the clock, further Proceeding on Consideration, as amended, stood adjourned till *this day*.

It being now five minutes to Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

### ORDERS OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed,  
"That Mr. Speaker do now leave the Chair:"—

#### FEVER IN THE WEST OF IRELAND—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, and other parts of the west of Ireland, demands the serious and immediate attention of Her Majesty's Government; that effective sanitary arrangements should be carried out in those districts under the authority of the Local Government Board; that it is essential, with a view to preventing the spread of contagious disease, that a change of nutritious food should be given to all persons receiving relief under the Poor Law, or under the system substituted for the Poor Law in certain localities, and that a competent medical staff should be organized without delay, and distributed over those parts of the country visited by fever,"—  
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Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, Galway, and other parts of the West of Ireland, demands the serious and immediate attention of Her Majesty's Government,"—(*Mr. O'Connor Power*),—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added* :—Main Question, as amended, put, and *agreed to*.

**SUPPLY**—Committee upon *Monday* next.

**Employers' Liability Bill** [Bill 303]—

Further Proceeding on Consideration, as amended, *resumed* .. 1156

After long debate, Bill to be read the third time upon *Monday* next.

**EAST INDIA REVENUE ACCOUNTS**—

*Ordered*, That the several Accounts and Papers which have been presented to the House in this Session of Parliament relating to the Revenues of India be referred to the consideration of a Committee of the whole House,—(*Lord Frederick Cavendish*.) Committee thereupon upon *Tuesday* next, at Two of the clock.

### LORDS, MONDAY, AUGUST 16.

**TREATY OF BERLIN—THE GREEK FRONTIER—MOTION FOR AN ADDRESS**—

*Moved*, That an humble Address be presented to Her Majesty for any diplomatic correspondence which has passed with foreign powers on the subject of a naval demonstration to effect a change of frontier between Greece and the Ottoman Empire,—(*The Lord Stratheden and Campbell*) .. .. . 1194

After short debate, Motion (by leave of the House) *withdrawn*.

**Fraudulent Debtors (Scotland) Bill** (No. 198)—

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**THE ECCLESIASTICAL COMMISSION**—Question, Mr. Arthur Arnold; Answer,

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**UNIVERSITY EDUCATION (IRELAND) ACT, 1879—SCHEME OF THE SENATE**—

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**LAW AND JUSTICE—OBJECTING TO SWEAR OR AFFIRM**—Question, Sir Henry

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Original Question again proposed ..	1297
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Original Question put, and <i>agreed to</i> .	
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(14.) Motion made, and Question proposed, "That a sum, not exceeding £115,910, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Expenses of Her Majesty's Embassies and Missions Abroad" ..	1319
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Original Question again proposed ..	1327
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Original Question again proposed ..	1330
After short debate, Original Question put, and <i>agreed to</i> .	

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<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Gorst :)—After short debate, Question put:—The Committee <i>divided</i> ; Ayes 17, Noes 83; Majority 66.—(Div. List, No. 117.)	
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<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Lord Randolph Churchill :)—Question put, and <i>agreed to</i> .	

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## Post Office (Money Orders) Bill [Bill 172]—

Further Proceeding on Consideration, as amended, *resumed* .. 1350  
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 Question put, and *agreed to* :—Bill read the third time accordingly, and  
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Ground Game Bill—*Ordered* (*Lord Elcho, Mr. Paleston*) ; *presented*, and read the first  
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## PARLIAMENT—BUSINESS OF THE HOUSE—

*Ordered*, That on and after Friday next the Bills which are entered for consideration  
 on the Minutes of the day shall have the same precedence which Bills have on Tuesdays  
 and Thursdays,—(*The Earl of Redesdale*.)

## COMMONS, TUESDAY, AUGUST 17.

### QUESTIONS.

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## ORDER OF THE DAY.



INDIA (FINANCE, &C.)—EAST INDIA REVENUE ACCOUNTS—FINANCIAL STATEMENT—

Order for Committee read:—*Moved*, “That Mr. Speaker do now leave the Chair,”—(*The Marquess of Hartington*) .. 1379

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the public expenditure in India and the charges on the Indian Revenues defrayed in England are excessive; and that, in the interests of the people in India, it is desirable to effect a prompt and large diminution of such expenditure,”—(*Mr. Otway*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question:”—After long debate, *Moved*, “That the Debate be now adjourned,”—(*Mr. Ashmead-Bartlett*):—Motion agreed to:—Debate adjourned till this day.

The House suspended its Sitting at ten minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

## ORDER OF THE DAY.



INDIA (FINANCE, &C.)—EAST INDIA REVENUE ACCOUNTS—FINANCIAL STATEMENT—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th August], “That Mr. Speaker do now leave the Chair:”—

—Question again proposed:—Debate resumed .. 1434

After long debate, *Moved*, “That the Debate be now adjourned,”—(*Sir George Balfour*):—After further short debate, Question put, and agreed to:—Debate further adjourned till Tuesday next.

Summary Jurisdiction (Ireland) Bill—Ordered (*Mr. Errington, Sir Patrick O'Brien*); presented, and read the first time [Bill 313] .. 1477

COMMONS, WEDNESDAY, AUGUST 18.

## ORDERS OF THE DAY.



Employers' Liability Bill [Bill 311]—

*Moved*, “That the Bill be now read the third time,”—(*Mr. Dodson*) .. 1478

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “this House is of opinion that the workmen employed in Her Majesty's



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### *Employers' Liability Bill*—continued.

arsenals and dockyards ought to have rights conferred upon them in reference to injuries received in their employment similar to those which are conferred by this Bill upon all other workmen throughout the United Kingdom,"—(*Mr. Gorst*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After debate, Question put, and *agreed to*.

Main Question put, and *agreed to* :—Bill read the third time, and *passed*.

### **Savings Banks (No. 1) (*re-committed*) Bill** [Bill 273]—

Order for Committee read :—*Moved*, "That Mr. Speaker do now leave the Chair :"—Question put, and *agreed to* :—Bill *considered* in Committee .. 1498

After long time spent therein, it being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

## LORDS, THURSDAY, AUGUST 19.

### **Employers' Liability Bill**—

*Moved*, "That the Bill be now read 1<sup>st</sup>,"—(*The Earl of Redesdale*) .. 1543

After short debate, Motion *agreed to* :—Bill read 1<sup>st</sup> (No. 199.)

### **SOUTH AFRICA—THE ZULU CAMPAIGN—MILITARY ORGANIZATION—MOTION FOR A PAPER**

*Moved* for, Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation to 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency; and also the annual expenses of the brigade dépôt system from its creation to April 1, 1880,"—(*The Lord Strathnairn*) .. 1544

After debate, Motion amended, and *agreed to*.

#### Address for—

Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation up to the 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency.—(*The Lord Strathnairn*.)

## COMMONS, THURSDAY, AUGUST 19.

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## ORDERS OF THE DAY.



### **Hares and Rabbits Bill [Bill 194]—**

- Bill *considered* in Committee [*Progress 11th August*] .. .. . 1583
- After long time spent therein, *Moved*, "That the Chairman do now report Progress, and ask leave to sit again,"—(*Sir Stafford Northcote*;)—Question put, and *agreed to*:—Committee report Progress.
- Moved*, "That this House will, this day, at Two of the clock, again resolve itself into the said Committee,"—(*The Marquess of Hartington*.)
- After short debate, *Moved*, "That the Debate be now adjourned,"—(*Sir H. Drummond Wolff*;)—After further short debate, Motion, by leave, *withdrawn*.
- Original Question put, and *agreed to*:—*Resolved*, "That this House will, this day, at Two of the clock, again resolve itself into the said Committee."

### **Merchant Shipping (Carriage of Grain) Bill [Bill 287]—**

- Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Chamberlain*) .. .. . 1691
- Question put, and *agreed to*:—Bill *considered* in Committee.
- After short time spent therein, Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

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**Post Office (Money Orders) Bill (No. 197)—**

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Viscount Enfield*) .. 1704

After short debate, Motion *agreed to*:—Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

**INDIA—THE PROVINCE OF BEHAR—THE JUDICIAL LANGUAGE—Question**, Observations, Lord Stanley of Alderley; Reply, The Earl of Northbrook .. 1706

**STATE OF IRELAND—THE LAND LEAGUE—Question**, Observations, Lord Oranmore and Browne; Reply, Earl Spencer .. 1708

**INDIA—SYSTEM OF ADMINISTRATION—Petition**, Observations, The Earl of Camperdown .. 1718

*Moved*, "That the Petition do now lie upon the Table,"—(*The Earl of Camperdown*):—Motion *agreed to*.

Petition for an inquiry into the system of administration which has been in force in India since 1858, in conformity with the periodical parliamentary inquiries on each renewal of the Charter of the East India Company; and also for certain reforms and a representation of the Indian people in the Councils of the Empire; of British Indian Association;

read, and ordered to lie on the Table.

COMMONS, FRIDAY, AUGUST 20.

### QUESTIONS.

**AFGHANISTAN—BRITISH REPRESENTATIVE AT CABUL—Question**, Sir Henry Tyler; Answer, The Marquess of Hartington .. 1720

**THE EVIDENCE ACT—OATHS AND AFFIRMATIONS—Question**, Mr. Bradlaugh; Answer, The Attorney General .. 1721

**THE BURIALS BILL—TOLLING BELLS AT FUNERALS—Question**, Sir Eardley Wilmot; Answer, Mr. Osborne Morgan .. 1721

**AFGHANISTAN (MILITARY OPERATIONS)—REPORTED ATTACK ON CANDAHAR—Question**, Sir Walter B. Barttelot; Answer, The Marquess of Hartington .. 1722

### ORDER OF THE DAY.

**Hares and Rabbits Bill [Bill 194]—**

Bill *considered* in Committee [*Progress 19th August*] .. 1722

After long time spent therein, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

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## ORDERS OF THE DAY.

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“That Mr. Speaker do now leave the Chair :”—

PARLIAMENT—PUBLIC BUSINESS—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “it is inexpedient, in the interest of Public Business, that important measures should be brought under the consideration of the House at a period of the Session at which it is impossible that they should receive adequate discussion,”—(*Mr. Arthur Balfour*,)—instead thereof .. .. . 1777

Question proposed, “That the words proposed to be left out stand part of the Question :”—After long debate, Question put :—The House divided; Ayes 119, Noes 59; Majority 60.—(Div. List, No. 133.)

Question again proposed, “That Mr. Speaker do now leave the Chair :”—Motion, by leave, *withdrawn* :—Supply Committee upon *Monday* next.

Hares and Rabbits Bill [Bill 194]—

Bill considered in Committee [*Progress 20th August*] .. .. . 1816  
After long time spent therein, Bill reported; as amended, to be considered upon *Tuesday* next, and to be printed. [Bill 314.]

Irish (Relief of Distress) Loans Amendment Bill—Ordered (*Lord Frederick Cavendish, Mr. Attorney General for Ireland*); presented, and read the first time [Bill 317].. 1839

Thames Steam Navigation Regulation Bill—Ordered (*Mr. Charles M'Laren, Mr. Otway, Mr. James, Mr. Brodrick*); presented, and read the first time [Bill 316] .. 1839

## COMMONS, MONDAY, AUGUST 23.

### QUESTIONS.

EDUCATION (IRELAND)—MODEL SCHOOLS—Question, Mr. Biggar; Answer, Mr. W. E. Forster .. .. . 1840

INDIAN COOLIES AT LA REUNION—Question, Mr. A. M'Arthur; Answer, Sir Charles W. Dilke .. .. . 1840

COURT OF RAILWAY COMMISSIONERS—LEGISLATION—Question, Mr. Monk; Answer, Mr. Chamberlain .. .. . 1841

CORRUPT PRACTICES AT ELECTIONS—PROSECUTIONS—Question, Mr. Onslow; Answer, The Attorney General .. .. . 1841

TURKEY—REPORTED FLIGHT OF A FEMALE FROM THE SULTAN'S HAREM AT CONSTANTINOPLE—Question, Mr. Anderson; Answer, Sir Charles W. Dilke .. .. . 1842

RELIEF OF DISTRESS (IRELAND) ACT—LOANS TO LANDLORDS—Question, The O'Donoghue; Answer, Mr. W. E. Forster .. .. . 1843

EMPLOYERS' LIABILITY BILL—THE INSURANCE CLAUSE—Question, Mr. T. O. Thompson; Answer, The Attorney General .. .. . 1843

THE IRISH LAND COMMISSION—Question, Mr. Justin M'Carthy; Answer, Mr. W. E. Forster .. .. . 1844

STATE OF IRELAND—SECURITY FOR LIFE AND PROPERTY—LEGISLATION—Questions, Lord Randolph Churchill, Mr. A. M. Sullivan, Mr. T. P. O'Connor; Answers, Mr. W. E. Forster, The Marquess of Hartington 1845

STATE OF IRELAND—THE RIOTS AT DUNGANNON—Questions, Mr. Finigan, Mr. Parnell, Mr. Mitchell Henry; Answers, Mr. W. E. Forster .. 1847  
*Moved*, “That this House do now adjourn.”—(*Mr. Mitchell Henry* :)—

After short debate, Motion, by leave, *withdrawn*

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THE ROYAL AGRICULTURAL COMMISSION—ADMISSION OF THE PRESS—Question, Mr. Finigan; Answer, Mr. W. E. Forster ..	1860
NAVY—VACANCIES IN PEMBROKE DOCKYARD—Question, Mr. Henry Allen; Answer, Mr. Shaw Lefevre ..	1860
TRAMWAY COMPANIES — RAILWAY PASSENGER DUTY — Question, Mr. Hanbury-Tracy; Answer, Lord Frederick Cavendish ..	1860
ARMY—FLOGGING—LEGISLATION—Question, Sir H. Drummond Wolff; Answer, Mr. Childers ..	1861
DISTRESS (IRELAND)—RELIEF WORKS—Questions, Mr. O'Connor Power; Answers, Mr. W. E. Forster ..	1861
THE TOWER OF LONDON—ADMISSION OF VISITORS—Questions, Mr. Ritchie, Mr. Bryce; Answers, Mr. Childers ..	1862
IRELAND—THE NEW LIFFEY BRIDGE—Questions, Mr. O'Connor Power; Answers, Mr. W. E. Forster ..	1863
MEDICAL ACT, 1858 — THE GENERAL MEDICAL COUNCIL—Question, Mr. Arthur O'Connor; Answer, Mr. Mundella ..	1865
EDUCATION DEPARTMENT—EXAMINATION OF JEWISH MONITORS—Question, Mr. Serjeant Simon; Answer, Mr. Mundella ..	1865
THE COMMISSIONERS OF INTERMEDIATE EDUCATION (IRELAND)—EXAMINATIONS AT PARSONSTOWN—Question, Mr. Arthur O'Connor; Answer, Mr. W. E. Forster ..	1866
EVICCTIONS (IRELAND)—HARSH TREATMENT—Question, The O'Donoghue; Answer, Mr. W. E. Forster ..	1866
BRIDGES (IRELAND)—THE CUNNIGAR BRIDGE—Question, Mr. O'Donnell; Answer, Mr. W. E. Forster ..	1867
PARLIAMENT—BUSINESS OF THE HOUSE—Question, Sir Michael Hicks-Beach; Answer, The Marquess of Hartington ..	1867
THE NATIONAL PORTRAIT GALLERY—Question, Mr. Beresford Hope; Answer, Lord Frederick Cavendish ..	1869
NIGHT POACHING ACT (SCOTLAND)—Question, Sir David Wedderburn; Answer, Mr. Arthur Peel ..	1869
THE HOUSE OF COMMONS — THE REFRESHMENT BAR — Question, Mr. Montague Guest; Answer, Mr. Adam ..	1870
THE MINT—THE NEW BUILDING—Question, Mr. Mitchell Henry; Answer, Lord Frederick Cavendish ..	1870
STATE OF IRELAND—SPEECH OF MR. DILLON AT KILDARE—Observations, Mr. Dillon ..	1870
<i>Moved</i> , "That this House do now adjourn,"—(Mr. Dillon.)—After long debate, Question put:—The House <i>divided</i> ; Ayes 21, Noes 127; Majority 106.—(Div. List, No. 134.)	

## ORDERS OF THE DAY.

—o—

**SUPPLY**—*considered* in Committee—CIVIL SERVICE ESTIMATES.  
(In the Committee.)

### CLASS I.—PUBLIC WORKS AND BUILDINGS.

- |  |      |
|--|------|
| (1.) \$9,500, to complete the sum for the Science and Art Museum, Dublin.                            |      |
| (2.) \$12,500, to complete the sum for the Shannon Navigation.—After short debate, Vote agreed to .. | 1936 |

### CLASS III.—LAW AND JUSTICE.

- |   |      |
|---|------|
| (3.) \$23,827, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.—After short debate, Vote agreed to ..   | 1940 |
| (4.) Motion made, and Question proposed, "That a sum, not exceeding \$17,709, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of Her Majesty's High Court of Justice in Ireland as are not charged on the Consolidated Fund; including provision for certain |      |

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## SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.

- Officers of the Supreme Court of Judicature in Ireland, and for the Trial of Election Petitions .. 1944
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £17,469, be granted, &c."—(*Mr. Sexton* :)—After further short debate, Motion, by leave, *withdrawn*.
- Original Question again proposed .. 1948
- Motion made, and Question proposed, "That a sum, not exceeding £17,669, be granted, &c."—(*Mr. Sexton* :)—After short debate, Motion, by leave, *withdrawn*.
- Original Question put, and *agreed to*.
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Biggar* :)—After short debate, Motion, by leave, *withdrawn*.
- (5.) £7,121, to complete the sum for the Land Judges' Offices, Ireland.
- (6.) £7,242, to complete the sum for Probate, &c. Registries, Ireland.
- (7.) £996, to complete the sum for the Admiralty Court Register, Ireland.
- (8.) £12,195, to complete the sum for the Registry of Deeds, Ireland.
- (9.) £1,806, to complete the sum for the Registry of Judgments, Ireland.
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Finigan* :)—After short debate, Question put, and *agreed to*.

Resolutions to be reported *To-morrow* ; Committee to sit again *To-morrow*.

## Irish (Relief of Distress) Loans Amendment Bill [Bill 817]—

- Moved*, "That the Bill be now read a second time,"—(*Lord Frederick Cavendish*) .. 1958
- After short debate, Question put, and *agreed to* :—Bill read a second time, and committed for *Wednesday*.

## LORDS, TUESDAY, AUGUST 24.

AFGHANISTAN—MILITARY OPERATIONS—THE LATEST TELEGRAMS—Question, Lord Emsly ; Answer, Earl Granville .. 1954

## Employers' Liability Bill (No. 199)—

- Moved*, "That the Bill be now read 2<sup>d</sup>,"—(*The Lord Chancellor*) .. 1955
- After debate, Motion *agreed to* :—Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

## COMMONS, TUESDAY, AUGUST 24.

### QUESTION.



THE FRENCH MARRIAGE LAW—MARRIAGE OF ENGLISH WOMEN WITH FRENCH SUBJECTS—Question, Mr. L. Fry ; Answer, Mr. Arthur Peel .. 1994

### ORDERS OF THE DAY.



SUPPLY—Order for Committee read ; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"—

## THE ROYAL IRISH CONSTABULARY—RESOLUTION—

- Moved*, "That it is unconstitutional and inexpedient to grant supplies of public money for the maintenance of the armed force known as the Royal Irish Constabulary, whose regulations and rules of discipline have not been communicated to Parliament,"—(*Mr. O'Donnell*) .. 1994

[The Motion, not being seconded, was not put.]

## BULGARIA AND EASTERN ROUMELIA—CONDITION OF THE MAHOMEDAN POPULATION—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the oppression and barbarity to which the Mussulman population of Bulgaria and of Eastern Roumelia has been subjected during and since the con-

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### BULGARIA AND EASTERN ROUMELIA — CONDITION OF THE MAHOMEDAN POPULATION— RESOLUTION—*continued*.

clusion of the Russo-Turkish War of 1877, deserves the strong condemnation of Europe; that Her Majesty's Government should take, with or without the co-operation of other European Powers, effectual steps to secure the complete repatriation of the remnant of the Mussulman population of those provinces, and to secure protection for their persons and property from outrage and robbery; that Her Majesty's Government should urge the fulfilment of those provisions of the Treaty of Berlin which are intended to insure justice for Turkey and equal rights for her Mahometan inhabitants,"—(*Mr. Ashmead-Bartlett*),—instead thereof .. 2000

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair:"—

ENGLAND AND IRELAND—THE LEGISLATIVE UNION—Observations, Mr. Parnell; Reply, Mr. W. E. Forster:—Long debate thereon .. 2009

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

### SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

#### CLASS III.—LAW AND JUSTICE.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £86,262, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Commissioners of Police, the Police Courts, and the Metropolitan Police Establishment of Dublin" .. 2060

*Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Finigan*):—After short debate, Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £56,613, to complete the sum for Reformatory and Industrial Schools, Ireland.

(3.) £4,286, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.—After short debate, Vote *agreed to*.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*.

SUPPLY—REPORT—Resolutions [23rd August] *reported* .. .. 2072  
Resolutions *agreed to*.

## LORDS.

—o—  
SAT FIRST.

TUESDAY, AUGUST 3.

The Lord Ramsay (The Earl of Dalhousie), after the death of his father.

## COMMONS.

—o—  
NEW MEMBER SWORN.

TUESDAY, AUGUST 10.

*Liverpool*—Lord Claud John Hamilton.

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE TWENTY-SECOND PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 29 APRIL, 1880, IN THE FORTY-THIRD  
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF SECOND SESSION 1880.

## HOUSE OF LORDS,

*Tuesday, 3rd August, 1880.*

MINUTES.]—*Sat First in Parliament*—The Lord Ramsay (The Earl of Dalhousie), attar the death of his father.

SELECT COMMITTEE—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, The Lord Chamberlain added.

PUBLIC BILLS—*First Reading*—Inland Revenue \* (177); Kinsale Harbour \* (178); Epping Forest \* (179).

*Second Reading*—Courts of Justice Building Act (1865) Amendment \* (174); Compensation for Disturbance (Ireland) (162), *negatived*.

Committee—Tramways Orders Confirmation (No. 2) \* (134).

Committee—*Report*—Inclosure Provisional Order (Llanfair Hills) \* (145); Tramways Orders Confirmation (No. 1) \* (133).

SOUTH AFRICA—SIR BARTLE FRERE—  
PAPERS AND CORRESPONDENCE IN  
BASUTOLAND.

EARL CADOGAN asked the noble Earl the Secretary of State for the Colonies, Whether he could give any information when the Government would

be able to lay on the Table a further instalment of Papers relating to affairs in South Africa, including any Correspondence, telegraphic or otherwise, on the subject of the recall of Sir Bartle Frere? He would also take this opportunity of asking a Question of which he had given private Notice—namely, Whether the Secretary of State for the Colonies was able to give the House any official information on the subject of the alleged disturbed state of Basutoland?

THE EARL OF KIMBERLEY: Another instalment of Papers with respect to the recall of Sir Bartle Frere will very shortly be laid before the House, as also Papers with respect to South Africa generally. With respect to Basutoland, I have to state that on Thursday last, the 29th July, I received a telegram from Cape Town, to the effect that the intelligence from Basutoland was still favourable; that the Basutos were falling away from the rebel Chiefs; that the stolen cattle were being restored; and that a large number of arms had been surrendered. I have since been informed, in a further telegram, that the Ministers are confident they can support the law throughout the Colony with Colonial Forces only.



AFGHANISTAN—STATE OF AFFAIRS AT  
CANDAHAR—DEFEAT OF GENERAL  
BURROWS'S FORCE.

THE DUKE OF SOMERSET asked his noble Friend the Secretary of State for Foreign Affairs, Whether he would be kind enough to inform their Lordships what was the present state of affairs in Afghanistan?

EARL GRANVILLE: No news has been received to-day or yesterday from Candahar. There is, consequently, no confirmation of the reports which have appeared in the newspapers this morning about General Burrows's action. Telegrams received from Simla this morning make no mention of the telegraph wire having been cut between Cabul and Peshawur, and there is no reason to suppose there is any truth in the report that the communications have been interrupted. The following telegram has just been received from the Viceroy:—

"A powerful force of all arms, under General Sir Frederick Roberts, has been ordered to march on Candahar."

COMPENSATION FOR DISTURBANCE  
(IRELAND) BILL.—(No. 162.)

(*The Earl Granville.*)

SECOND READING. ADJOURNED

DEBATE RESUMED.

Order of the Day for resuming the Debate on the Amendment to the Motion for the Second Reading, read; Debate resumed accordingly.

EARL CAIRNS: My Lords, the noble Earl the Secretary of State, who closed the debate last night, deprecated what he termed "the language of exaggeration" which, he said, had been used with regard to this Bill. I hope I shall avoid the use of any language of exaggeration. My object will be to lay before your Lordships the facts which appear to me to be important for the consideration of the Bill, and I shall be quite satisfied that if I am able to do this, your Lordships will be able to come to a proper conclusion without any use of strong words on my part.

My Lords, I think it is the more important that this should be done, because I am not able altogether to agree with the view which the noble Earl gave last night of the present state of the law in Ireland. It is desirable that we should,

in the first instance, know what is exactly the present position of an Irish tenant with respect to his holding. My Lords, the great statute with respect to the law of landlord and tenant in Ireland was passed in 1860. It begins by declaring that the relation of landlord and tenant in that country is founded upon contract, and it states that that contract may be either express or implied—that is to say, where the landlord and the tenant have stipulated between themselves upon particular terms the contract is express; where they have not done so, and where the law imports certain terms into the contract, the contract is implied. But, whether it is express or whether it is implied, it is one entire contract upon which the relation of landlord and tenant is founded.

Now, let us put aside for a moment the cases arising under the custom of Ulster, which are somewhat confusing and have little or no bearing upon the present measure, and let us see what is the position of a tenant in Ireland to whom the custom of Ulster does not apply. He is bound to pay his rent. If he does not pay his rent, there are three remedies which the landlord possesses. He may distrain for the rent in arrear; he may bring a civil action for its recovery; or, if there is a whole year's rent in arrear, he may proceed to evict the tenant from his holding. And then, supposing that to be done, the law steps in and imports further consequences into the contract. If the tenant is entitled to compensation for improvements, he maintains that title and continues to possess that right even though he should be evicted for non-payment of rent. Eviction for non-payment of rent in no way injures his right to compensation for improvements. If he is evicted for any other reason but non-payment of rent, he may have a claim for disturbance. But, with the law as it stands now, if he is evicted for non-payment of rent, he has no claim for any payment in the shape of damages for disturbance except in two particular cases specified—the one where there is an old arrear of rent hanging over him, and the other where, under tenancies existing in 1870, he can show in the case of a holding under £15 a-year that the rent is exorbitant. My Lords, those are the conditions under which the Irish tenant at present holds. But let me say one word

the landlord, the landlord is bound; but if against the tenant, the tenant is free. If a tenant does not avail himself of a chance like this, where he has everything to gain, and nothing to lose, he must be more than human.

I come next to the inquiry, what are the terms indicated in the Bill as sufficient to justify the right of the tenant to compensation from his landlord? He is to prove his inability to pay the rent, and then to show that he is willing to continue in the occupation of his holding on just and reasonable terms as to rent, arrears of rent, and otherwise. I ask if any of your Lordships has a clear and definite impression of the meaning of these words? I own honestly that I have not; and the Government, last night, gave no indication as to the sort of agreement that the tenant is expected to offer. We must, therefore, endeavour by ourselves to examine the words and see what they mean. I may assume, I suppose, that the Government do not consider it reasonable that the tenant should pay no rent at all. Do the Government mean that the tenant is to give security for the rent due? If that had been meant, it would have been easy to have said so in the Bill. But if the words mean neither that the tenant is to pay no rent, nor that security is to be given for the amount he owes, the only alteration that remains is that the tenant is to propose to pay a smaller rent than that which he at present pays. In the first place, I will ask your Lordships to consider how far that view is in accordance with the great inducement held out to Parliament to pass the Land Act of 1870. On that occasion, the Prime Minister gave the following description of that measure:—He said—

"The Bill will proceed upon the principle . . . that, from the moment the measure is passed, every Irishman, small and great, must be absolutely responsible for every contract into which he enters."—[3 *Hansard*, cxcix. 380.]

And the right hon. Gentleman also said, on the third reading of the Bill—

"By any contract made by any tenant from the day the Bill receives the Royal Assent, to pay any rent whatsoever, reasonable or unreasonable, he will be absolutely bound, and he will not be able to escape from the obligation."—[*Ibid.* 1609-10.]

Ten years have passed away, and I contrast those statements with the explanation of the Chief Secretary as to what

the tenant is expected to do by the Bill now before the House. Mr. Forster says—

"The tenant must be willing to try his utmost to pay a reasonable rent"—observe, not to pay, but only to try to pay—"that is, to submit to pay rent either reasonably reduced under the circumstances of the year, or with reasonable time given in which to pay, and the landlord must be unwilling to make that reasonable reduction, or to give him that reasonable time."—[*Ibid.* ccliii. 846.]

Is it possible that, in 10 years, such a spirit has come over the minds of the Government opposite—the same men who passed the Land Act—that one of those very Ministers can now come forward and propose, by interlarding every line of the Bill with the word "reasonable," to cut down the obligations by which they so recently declared the tenant would be absolutely bound? The Bill proposes, in substance, a revision of rent; and I am not surprised that it was welcomed on that account, when it was before the other branch of the Legislature, by some who are in favour of a system of revision of rents, but who consider the Bill in itself of little importance. But what does that mean? Certain language was used a short time ago which attracted a good deal of attention in this country, and concerning which an impression pretty widely prevails that in some way such language ought to be checked. Mr. Parnell said—

"It is the duty of the Irish tenant farmers to combine among themselves and ask for a reduction of rent, and if they get no reduction where a reduction is necessary, then I say that it is the duty of the tenant to pay no rent until he gets it. And if they combined in that way—if they stood together, and if, being refused a reasonable and just reduction, they kept a firm grip of their homesteads, I can tell them that no power on earth could prevail against the hundreds of thousands of the tenant farmers of this country."

Putting aside the figurative expression about "keeping a firm grip of their homesteads," I see very little difference between this language and the language used by the Chief Secretary to the Lord Lieutenant, who says that the tenant is to come forward and ask for a reduction, and if the landlord does not make a reasonable reduction, not that the tenant is "to keep a firm grip of the land," but the landlord is to be prevented from evicting him. The noble Marquess opposite (the Marquess of Lansdowne),

accustomed to regard as not fettered by traditions which are supposed to restrain the freedom of our legislative action—in which the possibility of legislation of this kind is not contemplated. No Legislature of any State in America could pass this Bill, or could impair in any way contracts actually entered into; nor could even Congress impair the efficacy of such contracts. I listened with interest, last night, to hear from the noble Earl who introduced this Bill (Earl Granville) whether he could mention any precedent for a measure of this character introduced into Parliament. He referred to the question of tithe commutation; but that has no connection whatever with the present subject. The two cases, and the only two, he mentioned with regard to contracts were these. He was good enough to refer to a Bill introduced by me this year, and which passed through this House. It was a Bill to amend the Law of Conveyancing, and it contained one provision between landlord and tenant, and raised the question whether relief should be given to forfeiture for breach of certain conditions in leases. All I can say is, that if the noble Earl will introduce into this Bill the provisions which were in mine with regard to the terms upon which relief for forfeiture should be given as between landlord and tenant I will undertake to vote for the Bill. My measure proceeded on the principle that every shilling damage that could be shown by the landlord to be occasioned to him by the tenant's breach of the conditions of his lease should be paid fully before the relief could be given to the tenant. So much for the first instance. The second was a Bill relating to the Law of Hypothec in Scotland. But did that Bill interfere with any existing contract? If the noble Earl will refer to that Bill—which I do not think he has done—he will find that it referred only to future contracts. Now, these are the precedents, and the only precedents, which the noble Earl could produce for such Parliamentary interference with existing contracts as is here proposed.

I wish to ask your Lordships next to consider the way in which it is proposed to suspend the right of eviction by the Bill. I heard, last night, a noble Lord on the other side (Lord Emly), who is not present to-day, ex-

press his opinion about the Bill. If I understood him, he said that it was very certain that the Bill, if it passed, would be little resorted to, that there would be scarcely any disputes between landlords and tenants, and that their affairs would usually be settled amicably and peaceably. Now, it is one of the unfortunate things about the Bill that, by an ingenuity which I cannot but admire and lament, it has been arranged in such a way as to make it all but impossible to avoid constant collisions and controversies between landlord and tenant. In the jurisdiction of each County Court Judge there may be 800 or 1,000, or even, in some cases, several thousand tenants. Unless Irish tenants differ strangely and totally from the rest of mankind, they will be absolutely tempted and driven by this Bill to make a claim against their landlords in every case. The tenant will naturally say—"Here is a Bill which gives me such a chance as I never had before of getting a considerable sum of ready money. I will take that chance, and decline to pay rent. My landlord will proceed to eviction, and will bring me before the Judge. I shall then make a case against him under the Bill, and I shall proceed to show that, owing to the badness of the times, I cannot pay my rent." Well, there are 38 County Court Judges in Ireland, of whom I wish to speak with the greatest respect—they execute their office with very great ability; but it must needs be that among them there will be differences of action, of thought, and of judgment. One will lean, perhaps, to a more liberal scale of compensation than others, and another will be more severe on the tenant. But the tenant will take his chance, and, we will suppose, will receive from the Judge a sum of compensation money—seven years' rental, possibly, or, at least, four or five. The landlord, of course, cannot draw back, and the tenant, in this way, remains the mortgagee in possession till every shilling of the compensation is paid. The landlord is compelled either to pay or to allow the tenant to remain in possession till the money is paid. But is the tenant bound by the decision? No; he is free as air. If he does not get the sum he reckoned on, all he has to do is to pay his rent within the six months allowed, and to keep his holding. Therefore, if the case goes against

EARL GRANVILLE, interposing, was understood to deny that no Member of the Government in that House had used such an argument.

EARL CAIRNS: I understood the noble Earl to refer to the Act of 1870, and to say that this Bill was the outcome of a clause in that Act. The noble Lord behind him used the same argument.

LORD EMLY: I can assure the noble and learned Earl that I used no such argument.

EARL CAIRNS: At all events, the noble Earl's Colleague, in introducing the Bill "elsewhere," and the Prime Minister, rested the justification of the Bill on that argument.

EARL GRANVILLE: I do not remember that that is a fact.

EARL CAIRNS: Of course, I cannot answer for the memory of the noble Earl; but I distinctly recollect that that was the argument adduced by the Prime Minister.

EARL GRANVILLE rose—

THE MARQUESS OF SALISBURY: I rise to Order. It is entirely contrary to the practice of the House to maintain an argument across the Table in this way. It is open to any noble Lord to answer the arguments of the noble and learned Earl when he has finished.

EARL GRANVILLE: The noble and learned Earl was hardly in Order in referring to a debate in the other House, and to the words said to have been used by the Prime Minister. I must say that when arguments of Members of the Government are put forward, with which other Members of the Government are not familiar, we have a right to ask what were the exact words used to which the noble and learned Earl refers.

EARL CAIRNS: I did not mention the other House, and therefore the reference to Order is wholly unnecessary. But I must further remind the noble Earl that whatever a Minister says publicly in any place his Colleagues in either House are legitimately supposed to be acquainted with and to concur in. I have not at this moment the precise words before me; but I say on my own authority, which will be borne out by the great majority of your Lordships, it was the case that the Prime Minister and his Colleagues founded one of the great arguments in support of the Bill upon this—that it was a legitimate develop-

ment of the Land Act of 1870. Now, the Act of 1870 upon the question of compensation for disturbance was a measure which excited, no doubt, a great deal of attention and a great deal of criticism; but everyone who recommended that measure to Parliament described it as an Act, which, as regards compensation for disturbance, was intended to do this, and to do this only—namely, to prevent capricious evictions; and a capricious eviction was described as an eviction by a landlord who was receiving his rent punctually from his tenant, but who, notwithstanding, for some purpose of his own, wished to get rid of the tenant and to obtain possession of the land; and I say, without hesitation, that if that had not been the condition on which compensation for disturbance was proposed to be given by the Bill, the Act would never in that respect become the law of the land. What does the clause of the Land Act say? The 9th clause of the Land Act provides that, for the purposes of the Act, ejectment for non-payment of rent shall not be deemed to be disturbance of the tenant by the act of the landlord; and, as if to make assurance doubly sure, it goes on to say that any person who is ejected for non-payment of rent or for any breach of condition, and who is not disturbed by an act of the landlord within the meaning of the Act, shall "stand in the same position in all respects as if he were quitting his holding voluntarily." It is, therefore, clear that by the Act of 1870—although with regard to improvements, and although with regard to the custom of Ulster, the tenants might have an interest in the land, independent of any question of the payment of rent, yet in regard to compensation for disturbance, he is not deemed to have any interest in the land at all. He is only to be paid compensation if disturbed while properly paying his rent. So strongly was this point insisted upon, that in 1870 the Prime Minister, having been asked by the late Mr. Ward Hunt in the House of Commons to explain the word "goodwill," which had dropped from him in the debate, said—

"I did unquestionably use the word goodwill several times. The most correct phrase is damage for eviction, or some equivalent phrase."  
—[3 *Hansard*, cxcix. 1601.]

I do not see, therefore, how the Act of

in his most masterly argument last night, used an expression which I thought was entirely justified. The noble Marquess said one of his objections to this Bill was that, in a short compass, it contained the greatest possible amount of vicious principle combined with the smallest possible amount of relief. Well, that is exactly the view which is taken by one of the organs of what is called the National Party in Ireland with regard to the Bill. *The Nation* speaks in these terms of the admissions of the Chief Secretary as to the necessity of reducing rents—

"These, we repeat, are admissions of the utmost importance from the point of view of the Irish tenantry. The fact is, they cover the whole ground of the Irish demand in the matter of Land Law Reform, and would justify not merely the wretched little Bill in behalf of which they were made, but a measure as sweeping as any that had been recommended by Mr. Parnell or Mr. Davitt. It is, indeed, almost ridiculous to think that such weighty arguments as were used by Mr. Gladstone should be urged in support of a proposal which, even within the restricted limits of time and area in which it is to operate, will probably be of no practical good whatever. The Land Bill, however, gives expression to a principle which all tenant right advocates look upon as a vital one, and, no doubt, it is for this very reason that the landlords have worked themselves into such a rage in its regard."

I think that is a fair statement of the case. Here you have in this Bill, taken in conjunction with the explanation given of its meaning and object, the principle which has been contended for by the agitators in Ireland on the subject of the land—the principle of breaking contracts between landlord and tenant, and calling for a revision of rent. If it were possible to apply the principle in a way more objectionable—I might almost say ludicrous—than another, this Bill supplies the means. It actually proposes that in a case where it is admitted that the object of the Bill is to enable a tenant to claim a reduction of rent, and to press upon the landlord the obligation of reducing the rent, if the landlord does not do so, the right of the tenant to compensation shall be reckoned by a certain number of years' value of the actual rent that the tenant declines to pay, and says he is unable to pay. Could absurdity be carried to a greater height than this provision in the Bill?

Now, let me say a word or two about the only shelter the Bill proposed to the

*Earl Cairns*

landlord—the clause which provides that the landlord may propose to the tenant a "reasonable alternative." There has been no explanation given but one of what is meant by a "reasonable alternative." No doubt, it is what was referred to last night—namely, that an option is given to the landlord to allow the tenant to create a property in his holding called the goodwill, and to sell that for whatever money can be obtained for it. I have not the least objection to any landlord in the South or West of Ireland introducing into his property the custom of Ulster if he thinks it a good thing. A noble Earl opposite (the Earl of Portsmouth) has told the public that he has introduced it on a property of his in the South of Ireland, and that he thinks it is an advantage. That course any person may adopt, if he thinks fit to do so. But, I ask, is it right to create for the first time a property in a holding which, once created, cannot afterwards be disregarded, and to introduce a custom like the Ulster Custom into parts of Ireland where it does not at present prevail, and where the landlords have hitherto had the greatest trouble and anxiety to prevent its introduction—is it right to say to a landlord in that part of the country—"The only condition on which you shall escape from the obligation of giving to your tenants compensation for disturbance is your conceding the introduction on your property of a custom which you have spent your life in endeavouring to ward off?"

I now ask what is the justification for this Bill? I will not forget the justification which was most relied on last night with regard to the state of the country. But the first argument upon which the Bill is rested is this—it is said that this Bill is merely an expansion of the Act of 1870, that the germ of the present measure is to be found in that Act, and that this Bill is simply the development of that germ. If, however, this Bill is a necessary and proper development of the Act of 1870, on what possible principle is it that the Bill is to be a limited, a local, and a temporary measure? How are you going to maintain that proposition to the tenants of Leinster, for example, to whom the Bill does not apply? Are you going to tell them that this Bill is a necessary complement and development of the Act of 1870?

by the act of God, from bad harvests and the like. The noble Earl opposite referred, in connection with this matter, to the example of France and other countries. Such a principle is, I grant, not in the least a novelty. It is the general law of some countries, and contracts are made in those countries with reference to that general law. In old times, when rent was paid in kind, that result necessarily took place; and where rent is paid in kind at the present day, as it is in some parts of Italy, the landlord gains when the harvest is abundant, and loses when it is bad. What is novel, however, is, that in a country where no such law exists it should suddenly be introduced and applied to existing contracts. What happens in the cases to which the noble Earl referred? In the case of France, and, I believe, Germany, it is open to the landlord and the tenant to enter into what arrangement they please. If the tenant renounces his right to claim abatement under exceptional circumstances, his rent is lower than it would otherwise be: if, on the other hand, he reserves his claim to abatement, his rent is higher. It is open to any statesman to say that that is a better law than ours, and that it ought to be substituted for the existing law in this country; but I entirely demur to anyone coming down to this House and saying that because that law may be good in itself, people in this country, where contracts are made under a law entirely different, ought forthwith to obtain the benefit of it. Well, but, says the noble Earl, it is the law of Scotland, and I understand that one of the learned Advisers of the Crown in Ireland laid down in "another place" distinctly the proposition that, by the law of Scotland, upon the failure of the harvest, the tenant could claim to be exempted from the payment of rent. Now, I want to know whether it is the case that the Scotch tenant can claim to hold the land and yet pay no rent? That is the real question, the answer to which will show whether there is any analogy for this Bill in Scotch law. There is in Scotland a law of this kind—that when the property under lease becomes, from sterility or bad harvests, so utterly unproductive that the tenant can make nothing of it, he may go to the landlord and give back the land, or, according to the expression of the Scotch law, "reduce

the lease." But there is no law in Scotland, like that proposed in this Bill, which enables the tenant to keep the land and yet pay no rent. Well, what is eviction but an application of the Scotch law? In the case of eviction in England and Ireland, the landlord does what in Scotland the tenant is by law allowed to do—he says to the tenant—"Give back the land if you are not able to pay the rent." In Scotland, the tenant says to the landlord—"I cannot pay the rent, and I claim the right to give back the land."

So much, then, for the argument that the law of Scotland or of foreign countries is a justification for this Bill. But here let me say that I cannot conceive anything so dangerous as to found a measure on a principle which, if sound, cannot stop at the point to which it is proposed that it should be limited. Do you seriously imagine that you can apply the doctrine contained in this Bill with reference to the exemption from the payment of rent on account of bad harvests to Ireland without finding yourselves compelled to apply it to the cases of England and Scotland also? That is, to my mind, utterly impossible. Once this measure—temporary, limited, and local as it may be—is placed upon the Statute Book, it will become a precedent, the logical consequence of which will be the application of the principle which it contains to the whole country.

But, it is said, there is another justification for the Bill. The noble Earl (Earl Granville) told us last night that the law of eviction in Ireland was very peculiar, and we know that that was one of the reasons put forward "elsewhere" why the Bill should receive the assent of Parliament. Now, I should like to say a word as to the law of eviction in Ireland. That law has some apparent, but no real, difference from the law of England, and if there be any difference between the two it is in favour of the Irish tenant. The difference is this—In England, wherever you have a lease reduced to writing it is almost invariably the case that a provision is inserted in it to the effect that if a tenant does not pay his rent that terminates the lease. That is done in the case of Ireland by the general law which provides that, whether stipulated in the lease or not, the same result shall follow. If this were not the general law there would otherwise

1870 can be taken in any way as forming a precedent for the present Bill, unless your Lordships are prepared to hold that a Bill which is meant to restrain capricious evictions is a precedent for a Bill which is to restrain evictions which are not capricious; that the right to compensation given to a tenant who is disturbed while paying his rent is to become a precedent for compensation to a tenant who is disturbed while paying no rent, and that damages for terminating a contract are to be a precedent for damages for enforcing a contract.

But then it is said that if the Act of 1870, as it became the law of the land, does not contain the germ of this Bill, at all events, there was in the Bill of 1870, as it left the House of Commons, a clause which afforded a precedent for the present Bill. Now, I entirely object to the principle that after a measure has passed into law you can go behind it and dwell upon what one House of Parliament or the other said or did with reference to it while the measure was still incomplete. Before any measure can be passed both Houses must be agreed. How they arrived at that agreement is quite immaterial. But I am rather glad this reference has been made, because it is satisfactory to know what, after all, the history of this clause is. The Bill of 1870, as it first came up to this House, contained the following clause:—

“That ejectment for non-payment of rent shall not be deemed a disturbance unless the Court decide on special grounds that it ought to be deemed a disturbance in the case of tenancies existing at the time of the passing of this Act.”

That clause your Lordships held—and I am not surprised at it—to be much too general, much too wide and roving, and that it would give power to interfere to any extent with existing contracts; and, accordingly, your Lordships rejected the clause. When the clause came back a discussion took place, to which the noble Baron (Lord Emly) referred last night. I took the liberty of saying, in the course of that discussion, that this was a clause which would enable every one of the County Court Judges in Ireland to hold, with regard to existing tenancies, that a tenant should be absolved and relieved from paying his rent on various excuses. One tenant might come forward and say that it was a bad harvest, exactly what has happened; another might say that

he had had losses in cattle, and one County Court Judge might say that this was a ground for relief, and another might say that it was not. I, therefore, submitted that it was quite impossible that the clause could be left in these general terms. Did the Government say that these objections which I made to the clause were really a statement of what was the object and policy of the Government, and that what they intended was to give the Judges a dispensing power with regard to existing tenancies on any grounds they might think fit? No; they said nothing of the kind. The present Lord Chancellor of Ireland explained the view of the Government, and said that the clause—

“Was intended to refer to two classes of cases merely—one in which the tenantry under some exceptional landlords had been kept in a state of coercion, owing to a system of long arrears, extending sometimes to 10 or 15 years; the other, in which the rents, altogether exorbitant, had been imposed under circumstances of oppression.”—[3 *Hansard*, cciii. 337.]

I then said—

“If these were the only cases . . . would Her Majesty’s Government put on the face of the clause that eviction for non-payment of rent should not be deemed disturbance, unless upon the ground that the Court thought the rent exorbitant?”—[*Ibid.* 338.]

What happened? Your Lordships put into the clause the first proviso which now stands in the 9th section, that eviction for non-payment of rent might be a disturbance in existing tenancies where the arrears of rent amounted to three years. In this form the clause went back to the House of Commons, and the House of Commons agreed to that Amendment, adding merely the other case—that in the case of holdings not exceeding £15 the Court should certify that non-payment of rent had arisen from the rent being exorbitant. The two cases which were laid down by the Government as the only cases they desired to reach were met by the clause as it now stands; and, therefore, there is nothing in the idea that in 1870 a greater measure of relief was asked for by the Government than the House of Lords was willing to concede.

The next ground on which it is sought to justify the Bill is, that it is not a novel principle that the tenant should obtain an abatement or cancellation of rent when he has suffered a great loss

pen to have read, within the past week, an account of a meeting of that well-known body—the Land League—at which a Member of Parliament (Mr. Dillon) presided. I find he stated that—

“From Sligo a cheering state of affairs was reported, which, if used as an example, might go very far to settle the Land Question. A seizure having been made for rent, the cattle were offered for sale at Tobercurry and Ballymote; but no purchasers could be found. They were then brought into Sligo, where the first beast put up realized 4s. 6d., and the others were sold at an equally remunerative price.”

This remedy of distress, then, is one which is not likely to be very profitable or useful to the landlord. But then it is said—“You have your remedy by action—why should not you, the landlords of Ireland, act in the same manner as other creditors—like the baker, or the small tradesman, or the banker?” Well, in the first place, the contract with the landlord is altogether a different contract from that entered into by the baker or small tradesman. The baker does not contract that he shall have his loaf of bread back again if it is not paid for; but the contract with the landlord is that if the tenant does not pay the rent he shall give back the land. A really analogous case would be this:—Suppose there was a contract for the sale of a horse under which a sum should be paid monthly, and that if not paid the horse should be returned, and suppose the money were not paid, would you think it right to say that proceedings must not be taken to get the horse back again? I do not believe that any considerate or liberal landlord in Ireland has ever been in the habit of bringing a civil action for the recovery of his rent, and I think there are strong reasons why he would prefer not to do so. But the Bill, according to what we are told, is not meant for good and considerate landlords, but for those who act without consideration. And this is the advice that the Government give them:—“Submit to this Bill, and bring your civil action for the recovery of your rent.” Now, let me suppose that the landlord acts under the advice which the Government thus gives him. He brings a civil action for the recovery of his rent; there is no defence, and he recovers judgment. What happens then? He puts a writ of *fiari facias* into the hands of the sheriff, who will sell the property of the

tenant. Have the Government considered this? Have they informed themselves as to the practical effect which the advice which they are giving to the landlords of Ireland on this occasion will have upon the poor tenants of Ireland? You may depend upon it that if you pass this Bill those landlords for whom you say the Bill is intended—those harsh and inconsiderate landlords who, as you say, are to be found in Ireland—will bring their actions, and the sheriffs, on judgment being recovered, will sell the farm and with it the improvements on it. Any interest that the tenant has will go; his right to redemption will go, and he will be evicted just the same as if the landlord had evicted him—with this difference, that he will have no compensation for improvements, no right of redemption, no right of any kind against his landlord. The tenant will be evicted under the title created by the Sheriff's sale, and the eviction will have to be enforced by the law. Have the Government realized what it is they are doing? The Lord Chancellor of Ireland knows that I am saying what is true when I say that the sheriff will sell the interest of the tenant by a forced sale. But you will say—“Suppose the sale does not produce the money required for the rent; suppose no bidders are found?” My Lords, all the better for the landlord. The landlord, who is the execution creditor, can himself buy; he will get a bill of sale from the Sheriff which will enable him to put himself into possession; but he will be put in possession, not as landlord, but as the assignee of the tenant, and with a freedom from the payment of any compensation. I will ask my noble and learned Friend the Lord Chancellor of Ireland if he thinks that this state of things will be popular with the tenants of Ireland? I feel this matter rather deeply. I do not stand here as an Irish landlord or an Irish tenant. Years ago, 27 years ago, before many Members of the present Government had turned their attention to this subject, and when Members of the present Government made light of the claims of the tenants of Ireland, I felt it my duty to lay upon the Table of the House of Commons proposals for securing the tenants proper compensation in respect of their improvements. When the interests of the tenantry of Ireland, under the Act of 1870, were placed in jeopardy by certain



be a provision in leases in Ireland such as we find in similar instruments in England. There must, further, I may add, according to the law of eviction in Ireland, be a year's rent due, which is not necessarily the case in England; there is also a right of redemption within six months, which, in evictions after notice to quit, is unknown in this country, as well as a right of suspending the execution of a writ. Now, it seems to me that this idea as to the difference between the law of England and Ireland with regard to evictions was entirely an afterthought on the part of those who brought forward this Bill. An ingenious member of the Legal Profession said something about it, and it was seized upon by the Government as an article of faith, and put forth as a strong argument in favour of their measure. I say it was an afterthought for these reasons. I recollect that in 1863 there was a Royal Commission, on which my noble and learned Friend the present Lord Chancellor of Ireland, and my noble and learned Friend on the Woolsack, served. I, too, had the honour of being a Member of that Commission, which was appointed for the purpose of considering the differences between the law of England and Ireland in reference to procedure and practice. A very full examination was made into these various differences, and your Lordships will find in the Report of that Commission a most interesting Paper setting forth very minute particulars of the difference in procedure with regard to evictions between the two countries. It never, however, occurred to that Commission to report that there was anything so different in the law that it was desirable any alteration should be made. But what happened in 1870? We are now told—if I have read rightly what passed in "another place"—that the law of Ireland, which enables a landlord to evict for non-payment of rent, was framed in the dark ages, when the landlords ruled the legislation of the country; that it was almost a fraud upon the tenants of Ireland; and that it was passed behind their backs. I will not say merely that the statute of 1860, regulating the Irish law of eviction, was passed by a Government of which the present Prime Minister was a Member. I will assume that he may not have considered personally the details of that measure. But I will take the Act

of 1870, which we may take to be his own creation. If your Lordships will refer to the well-known speech of the Prime Minister in introducing the Bill of 1870, you will find that he says some persons took objection to this power of eviction in Ireland adding that a well-known dignitary, who exercised great influence in Ireland—Father Lavelle—had written a pamphlet against it; yet the right hon. Gentleman did not propose to make any alteration in the law. But that is not all. In the Act of 1870 a provision was inserted authorizing a tenant for life to make agricultural leases which should be binding on his successor, and providing that those leases should imply—observe, not merely the landlord and tenant might, if they pleased, insert, but that the leases should necessarily imply—a condition of re-entry for non-payment of rent in order to make them valid. Is it not too much, after that, to hear it announced to the Irish tenant, who catches readily enough at any idea of the kind, that the law which allows of his being evicted for non-payment of rent is a law which was passed in fraud of the tenant, and almost behind his back?

But then, it is said, the landlord may resort to other remedies. It is true he has other remedies beside eviction; but then I should like, in the first place, to ask, is it fair, when he is by his contract entitled to three remedies, to propose, by legislation, to take away one of the three—more especially if the remedy you propose to take away is the best of the three? Is not that an interference with his contract? But let me say a word as to the two remedies which are to be left to him. There is the remedy by distress and the remedy by action. Your Lordships have read in the papers something about distraint in Ireland. When a landlord resorts to distraint in that country, there may be something to distraint or nothing. If there be nothing, the remedy is not worth much. But suppose there is something to distraint—cattle, for example—I wish to know whether the Government suppose resort to the legal process of distress would be more popular in Ireland, or less likely to excite the feelings of the people, than the process of law known as eviction. Is the process of distress a course which they would recommend the landlord to adopt as preferable? I hap-

pen to have read, within the past week, an account of a meeting of that well-known body—the Land League—at which a Member of Parliament (Mr. Dillon) presided. I find he stated that—

“From Sligo a cheering state of affairs was reported, which, if used as an example, might go very far to settle the Land Question. A seizure having been made for rent, the cattle were offered for sale at Tobercurry and Ballymote; but no purchasers could be found. They were then brought into Sligo, where the first beast put up realized 4s. 6d., and the others were sold at an equally remunerative price.”

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tenant. Have the Government considered this? Have they informed themselves as to the practical effect which the advice which they are giving to the landlords of Ireland on this occasion will have upon the poor tenants of Ireland? You may depend upon it that if you pass this Bill those landlords for whom you say the Bill is intended—those harsh and inconsiderate landlords who, as you say, are to be found in Ireland—will bring their actions, and the sheriffs, on judgment being recovered, will sell the farm and with it the improvements on it. Any interest that the tenant has will go; his right to redemption will go, and he will be evicted just the same as if the landlord had evicted him—with this difference, that he will have no compensation for improvements, no right of redemption, no right of any kind against his landlord. The tenant will be evicted under the title created by the Sheriff's sale, and the eviction will have to be enforced by the law. Have the Government realized what it is they are doing? The Lord Chancellor of Ireland knows that I am saying what is true when I say that the sheriff will sell the interest of the tenant by a forced sale. But you will say—“Suppose the sale does not produce the money required for the rent; suppose no bidders are found?” My Lords, all the better for the landlord. The landlord, who is the execution creditor, can himself buy; he will get a bill of sale from the Sheriff which will enable him to put himself into possession; but he will be put in possession, not as landlord, but as the assignee of the tenant, and with a freedom from the payment of any compensation. I will ask my noble and learned Friend the Lord Chancellor of Ireland if he thinks that this state of things will be popular with the tenants of Ireland? I feel this matter rather deeply. I do not stand here as an Irish landlord or an Irish tenant. Years ago, 27 years ago, before many Members of the present Government had turned their attention to this subject, and when Members of the present Government made light of the claims of the tenants of Ireland, I felt it my duty to lay upon the Table of the House of Commons proposals for securing the tenants proper compensation in respect of their improvements. When the interests of the tenantry of Ireland, under the Act of 1870, were placed in jeopardy by certain

doubts expressed from the Judicial Bench in Ireland, I introduced and carried through this House a measure to set these doubts at rest. I speak, therefore, now, with the same desire I have ever felt to see the just rights of the tenants of Ireland maintained, and I repeat that in those cases, if there are such, where there are harsh and inconsiderate landlords, the course of bringing civil actions for rent which the Government are now urging, and even compelling the landlords of Ireland to take, is the course which of all others must be disastrous to the tenants of Ireland.

I now come, my Lords, to the other two grounds upon which this Bill is put forward—namely, the large number of evictions which are said to have taken place lately, and the number of families said to be without house and home; and, secondly, the difficulty which is stated to exist in executing the process of the law in evictions. The argument with regard to evictions is what I may term the social argument, and the other the police argument. Let us take them separately. With regard to evictions, one of the greatest authorities on social and economical questions in Ireland—Dr. Longfield—makes some observations on this subject which deserve great attention—

“The number of evictions in Ireland as compared with those in England is increased in appearance by two causes. First, every case is proclaimed and made a subject of public complaint. It is assumed, as a matter requiring no proof, that the fault lies with the landlord, not with the tenant; that it is the case of a tyrannical landlord, and not of a knavish tenant. Secondly, in cases where in England the tenant would voluntarily surrender his holding, in Ireland he puts his landlord to the expense and delay of an ejectment. When a tenant, from idleness, or want of thrift, or capital, or skill, is unable to pay his rent, or even to make any profit from his land, he will still hold on to the possession of it until deprived of it by legal process, and then he will be readily persuaded that he has sustained a grievous wrong. For this supposed wrong he will not find it difficult to get friends to aid him in taking a murderous revenge on the landlord or agent, or the ministers of the law, or the tenant who gets the farm of which he was deprived. Thus every eviction makes a good deal of noise.”

There can be no doubt that there have been scores of families who have given up or been evicted from farms in England during the late agricultural distress who have endured every privation which poverty can entail, but of whom we have

heard nothing, and about whom no Returns have been presented to Parliament. But matters are different in Ireland. The noble Earl (Earl Granville) stated last night the number of actions of ejectment which have been commenced. Those figures have no bearing upon the case before us. Everyone who knows Ireland knows that the best way of collecting rent is by instituting a process called “process of eviction.” The fact of the number of actions commenced has no bearing upon the question—the real question is the number of families actually dispossessed of their holdings. The argument of the Prime Minister with regard to the evictions that have taken place contains two errors. First, there was the error of supposing that because the numbers reached a certain figure in the first half of the year, you are to double them for the whole of the year. Anyone who knows Ireland knows that, for reasons to which I need not refer, the evictions in the first two quarters of the year are much more numerous than those for the last half of the year. The second error into which the Prime Minister fell—I am sure most inadvertently—in making this statement was the assumption that in all these ejectments the tenants and their families have been turned out on the world, as the Prime Minister said, houseless and homeless. And, no doubt, if 15,000 persons were turned out under any circumstances houseless and homeless in the country it would be a serious matter to consider. But what is the case? We have got a Return which I am told was not before the other House on the last occasion of the discussion on this Bill, but was before it the day afterwards, and which has been laid before your Lordships. In some respects the Return is not a very satisfactory one; but, although it is not so favourable in its arrangement to my argument as, perhaps, it ought to have been, I will take it as it stands. Now, what is the result of this Return? The question, as it seems to me, is—What is the number of families who have been actually evicted in the present year in the districts to which this Bill refers? I do not enter into the question whether they have been continued as care-takers or not—that may be a point for consideration; but it is not material to the present ques-

tion, and makes no real difference. The question is—Are these families thrown on the country without houses and homes? I believe it is the common practice in Ireland that during the period in which a tenant can redeem he is continued in possession as a care-taker. The circumstance that the landlord keeps the tenant in possession as care-taker is, I think, a pretty strong indication that he does not intend to exercise his extreme rights, because, if so minded, he might put him out of possession altogether. The question I want to ask is, What are the numbers actually turned out without a home and a shelter? What are the facts in this Return? If your Lordships are disposed to look at it you will find that it is the Return which is numbered 169. And the result of it is this. How many do your Lordships suppose in Munster and Connaught—the two divisions which are roughly to be taken as being covered by this Bill—how many families have in the present year been turned out of possession and not re-admitted? The statement of the Prime Minister, which he led the House to believe was accurate, was that, in 1878 there were 1,749 evictions; in 1879 2,677 evictions, and that in the first half of 1880 there were 1,690 evictions, and that, if they continued at the same rate during the year, 15,000 families would be ejected from their homes. What are the actual facts of the case? New Returns have been laid before us, and what is the number of families that have been evicted in the present year in the districts to which this Bill refers? How many persons do your Lordships think have been turned out of their holdings in Munster and Connaught and not re-admitted? Well, the number is this, according to this Return:—In Munster, 126, and in Connaught 89; making altogether 215 tenants. [A NOBLE LORD: Families]. They are tenants; they may be families or they may not. Of course, that is a very serious thing; but, as compared with 1,690, 215 is a very different matter. But the question is one which admits of a much shorter test than this, because afterwards, when it was explained that there had been a mistake as to the numbers, I find that the Prime Minister took up a new position. I am quite willing to accept the test which he proposed in his

new argument on the third reading of the Bill. This was his view—

“No doubt evictions were referred to, and now let us come to them. The hon. Member for Leitrim appeared to produce a great impression on his friends (and was exceedingly bold in his challenges to opponents) by the confidence with which he stated his case, and his contention seemed to be that in the non-scheduled districts and counties the evictions were quite as numerous, if not more numerous, than in the scheduled districts.”

I do not wonder, my Lords, that that point appeared to have greatly struck hon. Members. And what does the Prime Minister say to that?

“If that is true it is undoubtedly important. It goes almost to the root of the Bill. We do not admit the statement of the figures of the hon. Member. I take 1879. In the scheduled districts there were 826 evictions, and for the rest of Ireland 272 evictions. I take the first quarter of 1880, and in the scheduled districts there were 383 evictions, and in the rest of Ireland 107 evictions. I am now speaking of the Constabulary Returns. So much for that very imposing statement of the hon. Gentleman, which he said it would be impossible for us to escape from.”

Since, then, my Lords, we have got the authentic Returns of the Sheriffs for 1880, and we have got the official statistics—that is, the Judicial Returns for 1879. Now, I own that in a matter of figures I look with great satisfaction on the fact that the Prime Minister is at one with the argument on which I rely. I accept readily the test of the Prime Minister; I want no other. It is very short and very simple; there cannot be any controversy about it. He says if you show that in the parts of Ireland to which the Bill does not extend there have been as many evictions as in the parts to which it does extend, it goes to the root of the Bill. Let us then go to that at once. I rejoice that we have got one short test by which to judge this matter. The Prime Minister believed that he had got the proper statistics in some Constabulary Returns; but he had not. I take the two years—the year 1879 and the first half of 1880. The one year is in one Return and the other year in another. I take 1880 first, because it is in my hand. I take Leinster and Ulster as not being covered by the Bill, and Munster and Connaught as covered by it. What do I find? That the evictions in 1880 up to the 30th of June were—in Leinster, 403; in Ulster, 567; making 970 in the non-scheduled districts. I take the actual cases of evictions irre-

spective of any restoration of the tenant as caretaker or otherwise. Well, but what about the scheduled districts? In Munster the number was 495; in Connaught, 236; making a total of 731 as against 970. Thus you have more than 200 evictions in the non-scheduled districts in excess of those in the scheduled districts; and yet you are going to legislate for the scheduled districts on the ground that they show an excess of evictions. Was there ever anything brought before Parliament in the shape of statistics equal to this? The House of Commons, before this Return was presented to it, was asked to accept figures from the Constabulary Returns, which were utterly erroneous. Next day the President of the Council laid on our Table the Return which I am quoting, entirely going to the root of the Bill, as the Prime Minister calls it. Now I come to 1879. According to the Prime Minister, there were 826 evictions in the scheduled districts, and for the rest of Ireland 272. Your Lordships have got the Judicial Statistics for 1879, which, I suppose, are the best. They are from the forthcoming volume of Judicial Statistics. This Return, No. 167—what do I find there? In Leinster the number of evictions was 683, in Ulster 758; the total for the two non-scheduled Provinces being 1,441. In Munster the number is 748, in Connaught, 488; the total in the scheduled Provinces being 1,236. Thus, you have just the same proportion, or more than 200 less, in the scheduled districts; and you are going to have legislation for the scheduled districts because the evictions are there fewer than in the non-scheduled districts!

My Lords, I will show you that the statistics as to the other part of the case—the danger of disturbance and breaches of the peace—equally break down. But, first, what is the argument in regard to that part of the case? The argument as to that part of the case was this—that there was so much difficulty in enforcing the law of the country with regard to eviction, that Parliament must be asked to suspend the operation of evictions. Now, supposing that to be the case, what does it really mean? Here is a Bill which interferes—to use no harsh term—very sensibly and materially with the rights of property. If it is right to do that, you do not want

any argument with regard to the danger of disturbance of the peace. But if it be wrong to interfere with the rights of property, and you base your interference on the ground that you say you cannot maintain the peace of the country without such a measure, is not that a confession that the Government cannot maintain the public peace? What a confession for a Government to make as a basis for legislation of this kind! But now, let me ask, what is the ground for this assertion? This was the first case put forward on what I may call the police argument. This was the Chief Secretary's view—

"I find that since the 1st of January in this year 107 officers of Constabulary and 3,300 men have been employed in protecting process-servers in the West Riding of Galway, and 16 officers and 626 men in carrying out the actual evictions. The number by the amended Return turns out to be greater, for I find that in protecting process-servers alone in the West Riding of Galway there were employed altogether in 63 cases 145 officers and 4,290 men—an average of 70 men being necessary to protect the men engaged in serving the common processes of the law."

How does the Prime Minister say these evictions are enforced?—

"In one portion of Galway alone nearly 3,500 men are employed in supporting the processes of law, and the processes are now being enforced, not by units of police officers nor by scores, but by hundreds of the Constabulary, and you have now arrived at a state of things—however it be limited, and I rejoice to think it is—which may be called local civil war. . . . We contemplate with repugnance, which some seem not to share, the existence of armies of agents and regiments of Constabulary for the purpose of conducting what ought to be peaceful operations."

I own, when I read these statements, I understood that they were representations made by Ministers of the Crown, that these were processes of evictions for non-payment of rent, which had to be supported by this number of the Constabulary. There was a Return laid before Parliament; but I shall not trouble your Lordships with more than one figure. It was stated that in the West Riding of Galway there were 145 officers and 4,290 men of the Constabulary so employed. That was an extraordinary number of men to be employed. What turned out to be the case? These figures were repeated last night by the noble Earl, who does not seem to have been apprised of the discoveries which have been made for weeks with regard to these

figures; he repeated them last night as if they were still Gospel. I am sure it was an inadvertent mistake; but it was a very serious mistake for the Government to make. What was the fact? In the first place, it turned out that these men, whatever their numbers might be, were not merely employed, nor, indeed, chiefly employed, in the service of processes connected with evictions at all, but they were employed in serving the ordinary processes of the law; and I will show your Lordships that the Chief Secretary has given us information that the ordinary processes of the law were in the proportion of 10 to 1 as compared with any process of eviction for the non-payment of rent; and these process-servers were not persons connected with evictions for rent, they were collecting the small debts of the country; serving processes for the tradesmen—the baker, the small banker, and the retail dealer, and other persons who had civil bill processes to serve. But, further than this, as regards the numbers employed, the fact was, these men were men of buckram. They were imaginary. There was no such army in Galway as 4,290; on the contrary, the nominal strength was 567 men, and the greatest number at any one time was 850; the 4,290 were produced and put on the paper by multiplying the small number of men by the number of processes which they served! That was a great mistake—a serious mistake—for the Government to make when asking for this Bill by reason of the dangers to the peace of the country. I shall presently show your Lordships how many process-servers there were. There is a very remarkable story as to why it was that the number engaged in serving processes was so large.

**EARL GRANVILLE:** In the statement I made I did not repeat the figures the noble and learned Earl has referred to.

**EARL CAIRNS:** Does the noble Earl say that he did not refer to the number of men engaged in serving processes?

**EARL GRANVILLE:** Yes; I said in one case 200 men were required to effect the evictions.

**EARL CAIRNS:** The noble Earl says “to effect the evictions.” That is just the question. The men, I say, were employed in protecting those who were serving the ordinary processes of law. When the discovery of this serious mis-

take was made at the last stage of the Bill, the Prime Minister said—

“Again and again it had been repeated that the object of this Bill is held by us to be simply the relief of distress. . . . It has never been simply the amount of distress on which we have founded the justification of the Bill. It has been the amount of distress as connected with the government of Ireland, and as creating difficulties in the government of Ireland, which have brought us, I will not say to the verge of civil war, but I will say within a reasonable distance of that terrible catastrophe.”—[3 *Hansard*, ccliv. 1437.]

**THE DUKE OF ARGYLL:** “Measurable” distance.

**EARL CAIRNS:** It is “reasonable” here.

**THE DUKE OF ARGYLL:** From what paper do you quote?

**EARL CAIRNS:** *The Times*.

**THE DUKE OF ARGYLL:** The word was “measurable,” and so it appeared in the papers I read.

**EARL CAIRNS:** I adopt the word “measurable.” I attach no value to the word reasonable, as distinguished from measurable. The right hon. Gentleman proceeded—

“The most vital fact of a statistical character upon which we have founded a justification of this Bill is not the number of the evictions,”—that had come to grief—“but the difficulty found in giving effect to the processes of law. If there is one single fact upon which I will take my stand, it is that which has been repeated so frequently to-night. Putting aside evictions altogether, and looking only to the service of processes, in the single county of Galway, in a few months of this year, I say the conclusion is inevitable. In one part of that single county there were 63 processes of law which had to be sustained, on an average, by nearly 70 of the Constabulary Force. . . . That, Sir, is the main presentation of the case on which this Bill was originally justified.”—[*Ibid*. 1438.]

Evictions were no longer the question; the question is as to “the ordinary processes of the law.” What is the meaning of this? I speak in the hearing of the Lord Chancellor of Ireland, and I say the process-server is an officer who is not the person to execute evictions. The person concerned with them is the Sheriff. The process-server is a person who serves processes in all forensic proceedings connected with all civil actions. And now, what does this justification of the Bill come to? It comes to this—that the difficulty is not to avoid disturbances in anything connected with evictions or anything connected with the payment of rent, but to avoid disturbances in op-

position to the process-servers who are serving the ordinary processes of the law. If that is the case, and the Government want a Bill on the subject, their plan is to bring in a Bill to suspend the execution of the ordinary processes of the law. If you cannot serve the ordinary processes of the law by reason of the danger to the process-server, and if this is a justification for any Bill at all, it must be a justification for a Bill which will suspend all processes of law. But on what earthly principle do you say that, because you apprehend disturbances in the serving of the ordinary processes of the law, you are, therefore, to pass a Bill suspending the right of landlords to recover their rent?

But, my Lords, I regret to say that I am forced to come to the conclusion that this argument for the Bill, founded on the number of evictions and the difficulty of executing the processes of the law, was entirely an afterthought on the part of the Government. I believe, and I will satisfy your Lordships, that these reasons, as reasons for introducing the Bill, never entered into the mind of the Government until after this Bill was introduced. I am perfectly satisfied the Government are sincere—I do not for a moment impute to them that they are not sincere in putting those reasons forward now—but I find that those reasons were never put forward until they got into difficulties in the debates upon the Bill; and I think, under these circumstances, I am entitled to distrust their judgment. The grounds on which I say this was an afterthought are simply these—Do your Lordships remember what took place in the present Session? Do you recollect the words delivered in the gracious Speech from the Throne? Her Gracious Majesty was made to say—

“The Peace Preservation Act for Ireland expires on the 1st of June. You will not be asked to renew it. My desire to avoid the evils of exceptional legislation in abridgment of liberty would not induce me to forego in any degree the performance of the first duty of every Government in providing for the security of life and property. But, while determined to fulfil this sacred obligation, I am persuaded that the loyalty and good sense of my Irish subjects will justify me in relying on the provisions of the ordinary law, firmly administered, for the maintenance of peace and order.”

That was the view of the Government, and they put these words into the mouth of Her Gracious Majesty. Was the Government ignorant at that time of

the state of Ireland; of the agitation going on on the subject of the land? I cannot believe that they were. I believe that the Chief Secretary and the other Members of the Government were fully informed of everything that existed in Ireland in the shape of agitation at that time. If they had any doubt it would have been removed by what I find an eminent Member of the Government saying some months before. At the end of January, Mr. Bright, at Birmingham, said—

“In the West of Ireland—in the Province of Connaught—you find there is something like a general social revolt. Rents are refused to be paid even by tenants who could pay them. The revolt is really against the proprietors; but it is also against the tenants. If a tenant pays rent he comes under the condemnation of his brother tenants; and if a tenant be evicted and a farm vacant, and some other farmer enters upon the occupation of the farm, his peace and even his life are in danger.”

Therefore, the state of Ireland was well known to the Cabinet, and a pledge was put into the gracious Speech from the Throne that the Government was able to maintain the law without any exceptional legislation. But it does not rest there. My noble Friend (the Duke of Marlborough) called attention to the state of Ireland. That was in the month of May; and my noble Friend specially referred to the great question of the process-servers. The President of the Council (Earl Spencer) undertook to reassure us on that point. He said—

“Although the noble Duke had told them that the number of outrages had increased within the year, he (Earl Spencer) believed that they had diminished since the beginning of the year, and he also believed that the character of the outrages against life was not so serious as in 1870. The meetings which now took place were held, and the opposition to law shown against the process-servers was committed, openly, and those who committed a breach of the law could be prosecuted. . . . In this country there has been a considerable amount of exaggeration as to what had occurred. A very large portion of Ireland was now in a complete state of quietness, and those meetings which had so disturbed the country and also the minds of a large portion of the community were confined to a small and certainly limited district.”—[3 *Hansard*, cclii. 88-9.]

Again, on the 11th of June, the noble Earl said—

“They would not in any way strain the law, but they would put the law into execution with a firm hand; and they thoroughly believed, if

they were supported, as they hoped they would be by all the loyal people in that country, that they would, even though those special measures were not re-enacted which were enforced under the Peace Preservation Act, be able to maintain order thoroughly in that country."—[*Ibid.* 1749.]

But what was the view of the Chief Secretary? Mr. W. E. Forster said, on the 20th of May—

"Mr. T. P. O'Connor said they might bring forward an *interim* Bill for the suspension of payment of rent. [Mr. T. P. O'CONNOR: No. Suspension of evictions.] He thought that was almost the same thing."

I quite agree. I am glad to know that suspension of evictions is much the same as suspension of payment of rent. Mr. W. E. Forster continued—

"He was quite prepared to listen to any arguments which the hon. Member by whom such a Bill was brought in might advance. He had no desire to pre-judge the question; but would any hon. Member on either side of the House suppose that it would not bring in its discussion, if brought forward by the Government, every branch of the Land Question, and every sort of consideration that underlaid the relation of landlord and tenant?"—[*Ibid.* 166-7.]

Next day, the Chief Secretary returned to the subject. He said—

"He had no proof himself that there was any desire on the part of the landlords of Ireland to take advantage of the present distressed condition of the tenantry to enforce their rents. . . . If the existing law were allowed to be disobeyed in one case it would be disobeyed in many cases, if not in all. . . . An illustration was furnished by the case of a process-server, serving processes under circumstances of which he knew nothing, who had been stopped and searched and robbed of a number of processes, those for debt being ten times the number of those for rent. . . . He came to the conclusion that the Peace Preservation Act clauses might be abandoned, and he remained at that conclusion; but he was sure that the Government and himself would be showing an utter disregard of human life if they were to allow the process-servers to go about, carrying out the law as it stood, with the possibility of resistance, without such a force as would make that resistance almost impossible. . . . With regard to those who unfortunately might have been encouraged to resist the law, the kindest and most merciful thing he could do—the only thing the Government had a right to do—would be to accompany the officers with such force as to make resistance almost impossible."—[*Ibid.* 266-7.]

We find here the reason for the numbers of the Constabulary who accompanied the process-servers in Galway. "He took care," says the Chief Secretary, "that there should be such a force as would make resistance almost im-

possible." So that you have the Chief Secretary, at the end of May, not intimating the slightest doubt that he had amply sufficient power to enforce the law, and taking credit for the extraordinary force by which the process-servers were accompanied; and you have the Prime Minister, afterwards, referring to the number of the process-servers and the Constabulary as an argument in support of this Bill. I come next to the 4th of June. On the 4th of June, was it the opinion of the Government, as represented by the Irish Executive, that they wanted any alteration of the Land Act, or that the state of the country required exceptional legislation? I find there was a Bill proposed in the other House by a private Member (Mr. O'Connor Power) for the suspension of evictions. It was a subject entirely new at that time to the Chief Secretary. He said—

"The discussion had taken him somewhat by surprise. Though short, the discussion was a most important one, for, to a great extent, the Bill proposed to alter the relations between landlord and tenant; and he could only say on behalf of Her Majesty's Government, that they had no intimation that the discussion was likely to come on at that time. . . . For his own part, he would candidly state that he was not prepared to oppose the principle of the Bill. . . . Reference had been made to the Land Act of 1870, and he could not but admit that in that Act, as originally brought forward by his right hon. Friend the Prime Minister, there was a clause—turned out in 'another place'—which was, in some respects, in the direction of the present Bill. . . . The measure came before the House in some sort as a surprise."—[*Ibid.* 1295-6-7.]

Mr. Gladstone said—

"He did not hesitate to say that he had had no opportunity of examining the Bill with the care which he should desire. More especially, he had not had an opportunity of comparing this Bill with the original intention of the Land Act of 1870."—[*Ibid.* 1298.]

So that, on the 4th of June, there was not a suggestion on the part of the Government as to any necessity, founded on the state of the country, for legislation of this kind. On the 16th of June—I now come to about six weeks ago—there was the first intimation by the Chief Secretary of what he was going to do. Was it an intimation that the state of the country, that law and order, required such legislation? Nothing of the kind. On the 16th of June, Mr. W. E. Forster said—



"We cannot assent to the second reading of Mr. O'Connor Power's Bill; but, in consequence of the distress prevailing in some parts of Ireland, we shall think it right to ask Parliament to enlarge for a time—that is, until the end of 1881—the discretionary power of the County Court Judge, so that he may, under certain circumstances, give compensation to tenants in certain districts who are ejected for non-payment of rent."

Your Lordships will observe that no reason is here assigned for the measure but that of the distress which prevailed in some parts of Ireland. So far Mr. Forster is quite consistent, for I find his last statement was this—

"I never said, and no Member of the Government has said, that we brought forward this Bill because we could not keep the peace of the country without it. We know it is our duty to keep the peace of the country; we know we must do that; we know we must make the law obeyed. We are determined to do our utmost towards attaining that end. As far as my experience has gone, I have succeeded in getting process-serving conducted with less resistance than previously, because I have sent a large force with the process-servers, showing that we were determined the law should be obeyed. It is not that we want this amendment of the law in order to make the law obeyed in Ireland; the whole power of this country is behind us in doing that."

So that, from the beginning to the end, as far as the Chief Secretary is concerned, it appears to me he has disavowed distinctly requiring this Bill for any police purpose—for any purpose connected with the peace of the country—and that the police view of the Bill comes, not from the Chief Secretary, but from the Prime Minister.

The result of the whole appears to be this. You have here legislation of an exceptional kind, I venture to think it is legislation of a violent kind. I venture to say, without hesitation, it is legislation for which no precedent has been given, or can be given. With the noble Earl (the Earl of Derby) who spoke last night, I recognize the power of Parliament in a great national emergency to sanction legislation of this kind, or of a more violent kind; but I maintain there are two conditions on which legislation of that kind can and must be justified. They are these:—In the first place, there must be a provision that those whose property you interfere with for the purpose of a great national emergency must be compensated by the nation for whose benefit the interference takes place. The other condition is, you must

show that the great national emergency actually exists. We all know and admire the noble Earl's powers of reasoning, and I watched carefully in the course of his speech how narrowly he examined the question whether the emergency had arisen; but he entirely passed over the other condition—that the nation should pay the cost of providing for the emergency, if it has arisen. Now, I say, with regard to the proof of this emergency, the statistics on which it has been attempted to support it have entirely and utterly broken down. And what are the other circumstances under which, and the time at which, this legislation has been proposed? The Government have just appointed a Commission to inquire into the working of the Land Act of 1870—to inquire whether it is susceptible of any particular Amendment; and in the face of that Commission, before they have held a meeting or made a Report, a proposal is made to amend in one of the most material respects that Act. And, however you may limit it in area, or declare that it is to be of temporary duration, you will place on the Statute Book an enactment from the consequences and mischief of which it is impossible there can be any escape. But what is the state of that part of the country connected with the distress at the present time, and what is the character and extent of the distress upon which you rely? Will the Government give trustworthy information on the subject of the present state of out-door relief? That is a very good test of the state of the country. I have no accurate Returns as to the number of acres; but I am informed that there are about 6,000,000 of acres over which out-door relief can at present be legally administered. But this Bill extends to 11,000,000 acres. Another question is, what is the extent of acreage over which out-door relief is actually administered? I am told that out-door relief is not actually administered over more than between 2,000,000 to 3,000,000 of acres. Did any of the noble Lords who, last night, supported the Bill, maintain that the Bill was justified by the state of things which exists? The noble Lord who spoke early last evening disputed the fact, and said that the only object in reading the Bill a second time was to put it into Committee, and there strike out large portions of the Bill dealing with places where distress did not exist.

*Earl Cairns*

We understand that the relief funds in Ireland have closed their operations. Your Lordships have got the fact that even in the distressed districts the deposits in the savings banks have been increasing. I am told, also, that the Customs receipts in Ireland are increasing, indicating, of course, an increase in the consumption of spirits in the country. There is a very remarkable Paper which may be interesting to your Lordships; it gives the half-yearly Returns of the Midland Railway, which runs into the very heart of the distressed districts—the counties of Galway and Mayo—and which depends mainly for its earnings on the produce which passes along it. For the six months ending July, 1879, the traffic Returns were £208,354 odd; up to December, 1879, they had risen to £223,147; and for the six months ending July, 1880, to £224,464. There was a meeting of the Land League, lately held in Dublin, to which I have already referred, presided over by a Member of Parliament (Mr. Dillon). What did Mr. Dillon say with respect to the state of the country? He said—

“From what he had seen of the country he did not desire that the hat should any longer be sent round begging for relief. He thought the time had come when they should put a stop to begging. He was convinced that there was enough money in the hands of the Bishops of Ireland and of the Relief Committees, to tide the people over till the harvest, which promised to be magnificent. The time had come when the people should help themselves, and not seek for relief outside. He moved a resolution to the effect that it was unnecessary to issue a Commission to inquire into the working of the Land Act, and that the composition of the present Commission made it impossible for the Irish people to expect fair play in its proceedings or Report.”

Now, the Land League has been loud in its cry for relief to the distressed districts; and, at a meeting of that very body, we have this authentic statement—that the time has come to cease giving this exceptional aid; that the people do not want further assistance, owing to the magnificent harvest.

My Lords, I wish to ask you to consider, for a few moments, what the effect of legislation of this kind must be. If there be one thing which we know better than another to our cost, it is that there is nothing in Ireland by which the hopes, the aspirations, and the passions of the people can be excited so easily as by the

question of the land. You have had dangerous agitations in Ireland, Fenianism, agitations for Home Rule, and other agitations of the same kind; but all these agitations—whatever outward form they may have taken—were really based upon, and resolved themselves into, a desire for a radical change in the possession of the land of the country. My Lords, however you may make light of the actual extent to which this Bill will operate, it is perfectly clear that it is calculated to raise—in fact, it has actually raised—the hopes and the passions of the people of Ireland to a very considerable, and, I believe, very dangerous extent. And this, my Lords, is not an observation which applies merely to the humbler and uneducated people of the country. Take the newspapers, the educated writers in the newspapers of the country, which advocate the views of the Home Rule Party; take the expressions of the Representatives of that party in the Legislature—and you will find, beyond doubt, every one of them unanimous in this—they hail this Bill, they support it, not for the extent of good which they think it will do, but for the principles which it contains, and for the colour which it gives to further proceedings hereafter. You are asked, therefore, to assent to a Bill which, besides the mischief it will do at once, will have the effect of raising to a dangerous degree the passions, hopes, and cupidity of the people of the country. But, then, I ask your Lordships to consider what effect will it have upon the administration of the law? You say the Bill is to be administered by the Judges of the country. I am willing to bear my testimony, as far as I know, to the impartiality and ability with which those gentlemen perform their duties; but the duty they will have to perform under the Bill is not to deal with a legal question, but with a social question. It is not to decide a question of law; but it is to regulate the pecuniary arrangements between landlord and tenant, the amount which the tenant can pay, the amount which the landlord should expect to receive, and, as I have said, to deal with questions which are not questions of law, but questions of economy, of morals, of policy. For the decision of such questions there is no legal standard. Now, is that a proper risk to which to expose

the administration of justice in Ireland? I am quite sure that the endeavour of the Judges would be not to lean to the side either of the landlord or the tenant. But will it not be supposed that they will lean to the one side or the other. If the landlord supposes that they lean to the side of the tenant, will it raise the Judges in the estimation of the landlord? And, if the tenant supposes that they lean to the side of the landlord, will that raise the Judges in the estimation of the tenant? I maintain that it is an unfair strain to subject those to who ought to stand in the country aloof from all questions of a social and political kind, and who ought to be occupied merely with the decision of the legal questions that may arise.

Now, let me ask your Lordships what will be the effect on another matter—the investment of capital in Ireland? We are all agreed, that if there be one thing more than another which Ireland wants it is the introduction of capital. Is this Bill likely to discourage or to promote the introduction of capital; is it likely to increase or to diminish the saleable value of the land? Look, my Lords, at the Returns of the sales of land in the Landed Estates Court. We have very important Returns on the subject coming up to the 17th of July of this year. There is a note appended to the Returns stating that, practically, business transactions and sales of land are over by the 17th of July. We are told that—

“There are no Sales between the end of July and the 1st of November in any year, and the number of lots advertised for Sale between the 17th and the 31st of July of the present year is 23, so that the Return for the period from the 1st of November, 1879, to the 17th of July, 1880, represents the entire Purchase Money for the year 1879-80, less by the produce of the 23 lots (if sold).”

Well, the saleable value of the land sold in 1877 was £1,430,453; in 1878 it fell to £1,217,027; and in 1879 to £799,008. That decrease may be accounted for, to a considerable extent, by the distress in the agricultural districts; but that will not account for the decrease in the present year, when the sales from November 1, 1879, to July 17, 1880, have dropped down to £334,466. And the Return also adds that 112 country lots have been withdrawn from sale because there were no bidders, or none who bid a sum which could be accepted. What does

Mr. Freshfield, the Solicitor of the Bank of England, say on this question? He writes—

“I have to-day had a most striking instance of the inconvenience arising from the Irish Disturbance Bill. I make no doubt that the result has been foreseen by the Government, but, nevertheless, it must operate most prejudicially in business. In consequence of a death, a mortgage for a very considerable sum—nearly £100,000—on lands in Ireland, not in the counties operated on by the Bill, has been called in. The mortgagor must re-borrow to pay off the original mortgage. I made an application to a well-known and first-class Insurance Office to advance the money wanted. The Office replies that it objects to the principle of the Bill, and, regarding it as a concession to agitators, considers great damage is being done to securities by the mere proposal. The manager, who sends me this information by telegram, intimates to me that his Board will in all probability not entertain the proposal, which, but for this Bill, would have been considered a first-class security.”

And what does Mr. Hussey, one of the largest land agents in Ireland, say? These are his words—

“I receive rents from about 5,100 tenants, paying about £90,000 a-year, in the districts to be scheduled under Mr. Forster's Land Bill, and, in my opinion, if it becomes law, demanding rent will be a useless formality, and landowners will probably be met by a general combination to demand compensation, which they will wholly be unable to meet; no rents will be paid, and creditors, as in 1846 and 1847, will call in their money and force sales with unusual rapidity, and, in fact, all properties will stand a fair chance of being confiscated. In illustration of this, I wish to mention that a friend of mine had agreed to borrow \$8,000 on a rental of \$2,000 a-year, free of charges, and Landed Estates Court title; the deeds were draughted; but the moment Mr. Forster's Bill was announced, the lender's solicitor said he would break off and would not lend 1s. on an estate affected by Mr. Forster's Bill, no matter how large the margin was; and I have heard of similar cases.”

Mr. Bentham, of the Standard Assurance Company in Dublin, writes—

“I have never seen anything in my time of equal importance or danger with this Bill. Even the mere attempt to introduce it, whether it pass or not, is of serious importance, and shows to what length they are prepared to go. For myself, I am disgusted beyond measure. You know how I have struggled to like everything Irish and to see all that is good in the country. Now I feel quite disheartened. We thought the Land Act, 1870, went quite far enough. We recognized in that Bill that the landlord might have a difficulty in dealing with the land as a commodity and with the tenants. But we thought it made the rents absolutely secure. This Bill will make them absolutely insecure. Since 1870, I suppose I have lent to

my own hand something like £1,250,000 in Ireland. But I have closed my doors, and I have refused to carry out two loans already agreed to when some want of promptitude on the borrower's part (in completing title) gave me the excuse. I am sick of their eternal legislation, and wish I was out of it. I am determined to discourage all Irish loan business in future, from the constant worry and strain as to what the Government may do."

Now, you have the state of things in the Landed Estates Court, and the testimony of the Solicitor of the Bank of England, of one of the largest land agents in Ireland, and of one of the chief lenders of money, and they all agree that the Bill will have the effect of making property well nigh unsaleable, and of preventing the introduction of capital into the country, even in the shape of loans, to say nothing of the possible improvement of the country by developing its manufactures and industries.

And now let me say a word about the effect of the Bill upon the owners of land. There is one thing about which there is no doubt; the greater part of the moderate landowners of Ireland, however well-off they may be when in receipt of their ordinary income, as a rule derive their incomes almost entirely from land. It is also the case that, in consequence either of their own acts or of those of their predecessors, their land is very frequently mortgaged. The persons who own these mortgages are, perhaps, the trustees of married women or of infant children, who have no right to make any allowance, and who cannot give any indulgence to those who have to pay. What does this obligation to pay the interest of an Irish mortgage mean? It means that  $4\frac{1}{2}$  or 5 per cent must be paid, with a stipulation that after 30 days 6 per cent, and after 60 days 7 per cent, will be charged. Now, whose are the rents? As far as the mortgage covers them they really are the rents of the mortgagee, and if he is not paid the mortgagee's interest becomes a fixed charge on the estate, not at  $4\frac{1}{2}$  or 5 per cent, but at 6 or 7 per cent. If the rent is not paid, what happens? The person to whom the mortgage belongs cannot wait, and the property must be sold in the Landed Estates Court, and sold, as the Returns show, at a serious depreciation of value. My Lords, are there no evictions but the evictions of tenants? Is there no such thing in Ireland as a land-

owner, whose family has, perhaps, been for generations on his land, being turned out—to use the phrase of the Prime Minister — "houseless and homeless" upon the world? If you deprive a man of the power of paying a mortgage debt on his property, and the property is sold at a sacrifice, and the purchaser comes and turns the owner out, have you no pity, no commiseration? Is all your pity for the tenant, and none for the landlord? I heard the expressions used by the two Members of the Government who spoke last night—highly creditable to their feelings—in which they described the position of the Irish tenants who are unable to pay their rent. But commiseration is a quality that acts in different ways on different people. We know the story of the auditor of a charity sermon who was so much moved by the tale of woe and misery which he heard, that he put his hand into his neighbour's pocket and, pulling out his neighbour's purse, laid it as a charitable offering upon the plate. The tenderness and commiseration of the Government for the Irish tenants has something of the same sort about it. They appear to me to draw marked distinction between the sentiment and the substance. The Government are ready and willing to supply all the commiseration, but they expect the landlords to furnish all the funds. But I ask you, my Lords, to consider the condition to which this Bill would reduce the landlords in Ireland; and while I feel deeply for the tenants, I ask you also to sympathize with the landlords, who, if the Bill were to pass, would be, to use the words of the Prime Minister, "turned homeless and houseless upon the world."

The only other thing I have to ask you to consider is what will be the effect of the Bill in 1882. Have the Government reflected on its probable operation at that date? You are going to dam up the ordinary proceedings of the law for the space of 18 months. Your Bill says that at the end of that time the dam is to be taken away, and the accumulated stores of evictions are to pour forth. Is that a pleasant prospect in reference to the peace of the country? Are the Government really serious in this matter? Will any Member of the Government rise in his place and say that he seriously and honestly believes that on January 1, 1882, it will be possible to let loose the flood of evictions which they propose to

suspend and accumulate between that time and this? My Lords, the Government are not serious on this subject. I cannot believe it. I believe their idea is that in the chapter of accidents there will be some further legislation which will carry on this suspension which at present they declare to be necessary.

My Lords, I have had my share in responsibility for the government of Ireland, and I heartily feel for any Administration that is charged with that responsibility. As far as I am concerned, any statesmanlike measure that may be introduced for the benefit of that country shall receive my respectful consideration. Some think a measure of emigration very desirable; others think that a system of peasant proprietorship might be advantageously established; others, again, hold that the Ulster Custom ought to be extended beyond its present limits to the other Provinces of Ireland. All these, my Lords, whatever view we may take of their relative or absolute merits, are projects worthy of statesmen. But I cannot include in that description a measure like the Bill now before us. This is a measure which impairs and alters the obligations of existing contracts on which the rights of property and the arrangements of the owners of property are based. It does this on the plea of a great public emergency, which is not known to exist, and which was not thought of till after the introduction of the Bill. It proposes that the cost of meeting this public emergency should be borne, not by the public who are to be benefited, but by a small fraction of the public who are directly to suffer the loss. It works out its ends in a way which will deeply injure good and considerate landlords, and which will deeply injure the tenants of landlords who are not good or considerate. It is a Bill which will excite hopes and passions among the people that can never be satisfied, which will check the flow of capital into the country, and diminish the value of property in it, and will store up and accumulate, against a future day, evils and dangers greater than any that now exist. And, my Lords, because it will do all this, I, for my part, without doubt and without hesitation, give my vote for the rejection of the measure.

EARL GRANVILLE: I rise to give an explanation. The noble and learned Earl has stated that he founded one of

*Earl Cairns*

his arguments on a statement made by the Prime Minister to the effect that this Bill was a development of the Land Act of 1870. I said I did not recollect any such statement being made. The noble and learned Earl very properly replied that he could not take my recollection of what occurred. I have now referred to the passage to which I think the noble and learned Earl alluded, and I wish to show your Lordships how far I was right. The Prime Minister, speaking in the other House in defence of the Bill, said—"We are now going to constitute an exception to the Land Act." And, again, he asked—"What justification have we for making an exception to the Land Act?"

EARL CAIRNS: I have here the passages to which I referred, and also the passages to which the noble Earl has referred. I have no doubt expressions of various degrees of strength may be found in the Prime Minister's numerous speeches. The Prime Minister said, on the second reading—

"Let me ask hon. Members to place themselves upon the starting point of the Land Act before it is possible for them to form any just or comprehensive judgment upon this Bill."—[*Hansard*, colliii. 1866.]

Mr. W. E. Forster, also speaking on the second reading, remarked—

"Before I sit down I hope to show that this Bill is expedient and just—that it is brought in to carry out the spirit of the Land Act, and that it is required as a temporary modification of that Act under the special circumstances of the case."—[*Ibid.* 844.]

Again, on the third reading of the Bill, Mr. W. E. Forster said—

"I believe the 9th clause of the Land Act has in its letter very much of the principle of this temporary Bill. . . . We say that we are carrying out the spirit of the Land Act."—[*Ibid.* coliv. 1367-8.]

EARL GRANVILLE: Long paragraphs from Mr. W. E. Forster's speeches are no proof of the thing having been said by Mr. Gladstone.

THE LORD CHANCELLOR: My Lords, I do not complain of the length to which the observations of my noble and learned Friend have extended; but I must ask your Lordships to bear with me, and to give me some part of your attention, while I endeavour to make a reply to those observations. In the first place, I shall deal with the arguments on this question without any reference

whatever to the mischievous agitation which has prevailed in Ireland—though not forgetting that, before my argument closes, it will be my duty to consider the measure in its relations to that agitation. But if I give reasons which, in my judgment, ought to satisfy your Lordships that, apart from that agitation, the principles of this Bill and its provisions can be justified, and that there is a sufficient necessity for it, then I do not despair of also offering to you sound and reasonable grounds for believing that, so far from tending to advance the objects of that mischievous agitation, this Bill in its true and real operation would tend to allay and counteract it. Let me, shortly, recapitulate to your Lordships the real facts on which the necessity for this Bill, in the judgment of the Government, has been founded—facts which have been placed before your Lordships by my noble and learned Friend in a light which I think your Lordships will find to be a false and a fallacious one. I will not dwell on the peculiar character of the small tenants of Ireland, who are so broadly and entirely distinguished from the tenant-farmers of England, by their historical circumstances, by their more permanent connection with the land, by the small extent of their holdings, by the tenacity with which they cling to the land, and by the series of measures which Parliament has adopted to meet so peculiar a state of circumstances. We are dealing with the case of the Irish tenant under these peculiar circumstances, and under the additional circumstances of a special and remarkable distress. With regard to that distress, what are the facts from which we start—for, beyond all question, this Bill is based on that distress? According to the statement of the Registrar General for Ireland, the loss of crops by the peasantry in 1879 was valued at not less than £10,014,788. In addition to that loss, the poor peasantry of Mayo and Galway, and generally of the Western counties of Ireland, lost a resource on which in most years they had very much relied for payment of their rent—namely, the employment they had been accustomed to find in harvest-time in England and Scotland. That loss has been valued at, at least, an additional £1,000,000. Such was the position of these poor people; and but for the public and private charity which was

so largely extended to them through the year which has now passed, they would—as every one of your Lordships knows—long before now have been starving by thousands. My noble and learned Friend spoke, I think, ungenerously, as well as unjustly, of the Government as putting their hands into other people's pockets and contributing nothing themselves towards the emergency. My noble and learned Friend is well aware—because he was a Member of the Government which saw the necessity of doing it—that the Government have devoted public funds—originally £750,000, now raised to £1,500,000—substantially to the relief of that distress, and to the relief of that distress in a manner equally beneficial to the peasantry, to the tenantry, and to the owners of land—because the burden of meeting that distress by means of the Poor Law would have been thrown mainly and ultimately on the owners of land, if no other means of providing for it had been devised. I do not say that by way of reproach to the Irish landlords—far from it. But I do say that the Government has done its part. The Government has contributed these large funds; and that contribution has gone indirectly to the relief of the owners of land in Ireland, as well as directly to the employment and relief of the people. In addition to the funds contributed by the Government, more than £400,000 has been contributed by private benevolence. The distress was such as to need all these exertions on the part of both public and private charity. I do not say that, because the landlords of Ireland have benefited by the Loans Acts, therefore you are to impose upon them, as a condition of the loans so received, *ex post facto*, and without previous notice, terms which were not mentioned when the loans were granted; but I do say it appears to me impossible to deny that the distress, and the means taken for its relief, are indications of a state of things that may justify and require extraordinary remedies in other respects also, and that the landlords have no moral right whatever to complain if, for the public good, the State uses its power of legislation in order to abridge in some degree remedies which they would ordinarily have. With regard to the legislation which has taken place in the direction of relaxing the Poor Law in favour of out-door re-

lief, it will be seen how largely the powers so given have been used, when I state that the aggregate of all the Unions in which the Poor Law has been relaxed at different times during this year is not less than 10,943,432 acres—an area very nearly as large as that of the districts scheduled under this Bill. No doubt, that total amount does not represent the maximum at any one period of time; but it shows that the distress has been moving to and fro, and varying over different parts of that large area. The number of acres affected by that relaxation of the Poor Law in April last had fallen to 2,600,000, but by the 30th of July it had risen again to 5,980,544, showing how much during that period the distress had been increasing. It is true that since that time the acreage has again fallen to a much lower figure; but no man can tell what may hereafter be necessary should the hopes of a good harvest be disappointed. We are all anxious that these hopes should be fulfilled; but with the uncertainty of our climate, even during the past month, it would be the height of presumption and folly to take it entirely for granted that prosperous times are returning, and that the harvest will be such as to make it unnecessary to take precautions against further distress. I pass from the subject of distress to that of evictions. My Lords, it is an old and familiar saying that nothing is so fallacious as figures except facts, and of that abundant example has been afforded us by the speech of my noble and learned Friend. I must frankly admit, on the part of the Government, that considerable difficulty was for some time experienced in distinguishing between the evictions for non-payment of rent and those arising from other causes, and also between those where the evicted persons altogether left the property and those in which they were re-admitted on new terms as tenants or as caretakers. But the Government have exerted themselves to obtain this information accurately, and the latest Return—the most accurate of all—was issued from the Irish Office on the 29th of July last. For the purpose of the present argument, I will attribute to the position of caretaker all the advantages which the opponents of the Bill can claim for him. I will assume that he is to be regarded as if he were retained

as a tenant. Making all that allowance, I maintain that when these facts are properly examined and sifted there is still abundant evidence to be gleaned from them that evictions are dangerously increasing, and that they may result in serious peril to the peace of Ireland if no check is placed upon them. My noble and learned Friend, with that ingenuity which we have often had occasion to admire, laid hold of all the weak portions of his adversaries' armour, and pulled them to pieces; but he did not disdain to erect them again, when it suited his purpose, into a formidable part of his own argument. So my noble and learned Friend dealt with the area of the Bill. He criticized the area of the Bill; but he also found it the most convenient thing to lay hold of, and even to enlarge, for the manipulation of his statistics. With regard to the statement of Mr. Gladstone, to which reference has been made, I would point out that, after all, allowance must be made for some unavoidable latitude of expression in the conduct of a public argument. My noble and learned Friend himself may sometimes stand in need of that allowance. To nail an adversary down to the letter of his remarks, after a considerable lapse of time, is, no doubt, a good rhetorical device; but it does not tend to conviction the least in the world, when the statement, if somewhat too broadly made, is, nevertheless, found to have been in substance true. And that is the case here. I will give my noble and learned Friend my own view of the case, as derived from the latest Return on the subject—that presented on the 30th of July last. Taking, not the whole area of the scheduled districts, but those counties only where there appears to have been an abnormal number of evictions—namely, Cork, Donegal, Galway, Kerry, Limerick, Mayo, Meath, Roscommon, and Waterford—what do we find? I find that in those nine counties, comparing 1877, the year of comparative prosperity, with 1879, the year of distress, and again comparing 1879 with 1880, the figures are these. In 1877 there were 96 evictions for non-payment of rent, excluding every case in which the tenant was retained as a caretaker. In 1879 that number had grown to 264. In the first half of the year 1880 there were 395, being more than 100 in excess of the whole year 1879. I had doubled

that number to obtain the result for the whole year 1880; but being warned by my noble and learned Friend that this assumption of equality throughout the year might be fallacious, I have compared the Returns of the first half with the second half of the different years, and find that they stand to each other in the proportion of 5 to 4, or thereabouts. Making the computation for the year 1880 on that footing, I find that in those nine counties, for the whole of the year 1880, there would be 695 families evicted, without putting in caretakers, or anything else, against 264 in the preceding year; and if these families are multiplied by the number of persons I am led to suppose we might estimate by this Return, at the very least 3,550 persons would be thrown adrift upon the world by evictions at that rate. I agree that this is not 15,000, but it is a number which may have a tendency to increase; and these figures appear to me to be amply sufficient to justify the Government in regarding the case as one of emergency. Now, as to the question of process-servers. It would be a misconstruction of the figures in the Return, no doubt, to suppose, with regard to process-servers, that there were 4,290 Constabulary called out to protect them in West Galway. But there were 63 processes served in West Galway, and the number 4,290 gives an average of 66 policemen required to serve each process. What is the state of the country when you cannot serve a process without such a small troop of armed men, in charge of two officers, and that happening in 63 different places in one Riding of one county? The whole of those processes were, as I am informed, cases of ejectment, not for other causes, but by landlords for non-payment of rent. I, therefore, think there is abundant ground for some action to check this growing and dangerous evil. I will not trouble the House with the statistics of agrarian outrages, which are more voluminous; but during this period of distress they have greatly increased. Many of them have been of a serious, and some of an atrocious, character. That state of outrage must necessarily have become a subject of great anxiety to the Government; and I should have hoped that the House would be willing to grant them, if they deemed it expedient to apply for them, much larger powers than are asked for in the

present Bill to meet such a position of affairs. My noble and learned Friend, who will not grant us those powers, says, indeed, that if we were to propose other and larger measures, to which he referred, for the benefit of Ireland, he would be prepared to give them a candid consideration; but I have, I confess, great misgivings as to whether such measures, which, as he described them, appeared to be of an exceptional character, interfering permanently with the actual state of the tenure of land in that country, would not be dealt with by my noble and learned Friend with something of the same candour with which he has met this Bill. The probability is, I am afraid, that he would find stronger and more conclusive reasons to urge against them than any which we have heard from him this evening. My noble and learned Friend referred to the gracious Speech from the Throne, and to the position in which the Government stand with regard to their determination not to apply to Parliament for a renewal of the Peace Preservation Act. I acknowledge, on the part of the Government, their full responsibility for that determination; but I am bound to say that, in my opinion, some portion of that responsibility also rests with their Predecessors in Office. I do not know what they intended to do; but, judging from a speech which was made by a noble Duke who is not here to-night—I allude to the late Lord Lieutenant of Ireland (the Duke of Marlborough)—who, possibly, does not object to leaving the responsibility of rejecting this Bill on the shoulders of his Colleagues—for otherwise I should not have thought that the attractions of Norway would have prevailed over his desire to be present on this occasion—judging from that speech only, the late Government must, I imagine, have thought that the Peace Preservation Act ought to be renewed. From the silence, however, at that time, of the noble Duke's Colleagues, as well as from statements which appeared in some of the public journals which usually support noble Lords opposite, I have been led to entertain some doubt upon that subject. But whatever may be the decision with regard to it at which the late Government arrived, if they arrived at any decision at all, they, at all events, took no steps to renew the Peace Preservation



Act; and when the present Parliament first met for the despatch of Public Business, 10 days only, including Sunday, remained before the Act would expire by effluxion of time. It was impossible not to take that state of things as forming an important element in the case; and, looking at the whole situation in which we were placed, and for which we were indebted either to the determination or the omission of the late Government, we decided that we should best discharge our duty by endeavouring with firmness, but in the spirit of conciliation and justice, to govern Ireland without having again recourse to that kind of exceptional legislation. From that determination we have not flinched; but it is perfectly consistent with the desire that we should be armed by Parliament with the means of mitigating the severity of the law in those cases in which we thought that, the execution of the law being placed in the power of private persons, it was liable to be enforced indiscreetly or with undue severity, thus greatly adding to the difficulties which stand in our way in maintaining the public peace. That was and is our view of the subject.

My Lords, the House has been treated to extracts from various speeches of the Chief Secretary for Ireland, in which he stated that it was undesirable to raise, during this Session, such questions as those which undoubtedly have been raised by the present Bill. The House might suppose that Mr. W. E. Forster had never explained to Parliament under what circumstances it was that, having in the first instance hoped without any exceptional legislation to carry on the Government of Ireland, he afterwards found it his duty to ask Parliament to place this particular power in the hands of the Government. My right hon. Friend, however, on the 25th of June, said—

"Now you might say, with these facts before you, why did you not bring in this Bill at the beginning of this Session? You knew the distress—you knew the meaning of the Land Act—you knew the relative positions of the Ulster tenant and the non-Ulster tenant. Well, we did not do so, because we hoped that we might put off legislation until we had all the facts before us, and knew how the Land Act was working, and then we might bring it before the House, and inquire how far it required amendment. Then it may be said, 'If you did not bring it in then why have you brought it in now?' Well, for this reason—that we found we

could wait no longer. Facts are accumulating upon us. Evictions have increased and are increasing."—[3 *Hansard*, ccliii. 854.]

And what is the measure which, in consequence of that state of things, the Government have brought forward? It is a simple check on the abuse of a dangerous power, and a check which would operate in the most limited manner possible. I deny that it is a just description of this measure to say that it is a Bill for the suspension or remission of rents, or even for the suspension of evictions, for it will only operate upon that class of evictions which it describes, and which is the particular class which the Government have good reason to check. The measure was very well called, last night, "a legislation of postponement." Practically, it does postpone in certain cases the exercise of a particular remedy—only in those cases, however, in which the public interest may require that postponement. The noble Marquess (the Marquess of Lansdowne), the ability of whose speech, delivered last night, I am sure every one of your Lordships recognized, used a severe and pungent expression, which was repeated by my noble and learned Friend this evening. He said that he found in this Bill the maximum of vicious principle and the minimum of relief. That is a very epigrammatic sentence, yet I venture to say it will be found that there is no vicious principle in the Bill; and as to the minimum of relief, that is exactly what we endeavoured to provide, believing that relief of this kind ought only to be given where it was absolutely required. I maintain, my Lords, that, whether you look at this measure from the point of view of principle or in the light of precedent, it does not deserve any of those condemnations which have been so lavishly heaped upon it by my noble and learned Friend. It is not irrelevant to observe that, whether the principle is in this Bill carried far enough or too far, it still is a principle which has not been without previous recognition. The legislation of the Digest, and that of France and other countries which has been founded upon it, is, of course, no rule to us; but it may, at least, serve to show us what the most civilized nations have, in circumstances of the same kind, held to be consistent with justice. The law laid down by Ulpian

*The Lord Chancellor*

and Papinian was part of the *Prætorian* or equitable system of the Roman jurisprudence, and not made law by positive enactment. That law was, not that there should be a remission of rent, but that there should be a suspension of it during a failure of crops from extraordinary bad seasons, which might afterwards be made good if times should improve. That equitable principle is not so entirely unknown to Ireland. Something extremely like it has been known there as part of the settled equitable system of the country. There are two cases, which bear out this view, reported among the decisions of your Lordships' House, the one decided in 1701, and the other in 1715. In the rubric, or head-note, to one of these cases it is stated that—

“It has been the constant rule of Courts of Equity in Ireland that where, by a general and national calamity, nothing is made out of lands which are a fund for the payment of interest, no interest ought to run during the continuance of such public calamity.”

And that rule has been not merely applied to the case of a jointure, and interest due to a mortgagee, secured in each case by a lease reserving a fixed rent, but also in favour of an ordinary tenant under the mortgagor, who was held to be equitably excused from paying his rent, when his farm had been laid waste by Rapparees. The principle lying at the bottom of these cases is one applicable generally to public calamities; and there is, I maintain, an unwritten equity which all men's hearts and consciences acknowledge, even when they do not think it expedient to make it the foundation of law, which prescribes forbearance and moderation and a postponement of claims under such calamitous circumstances. It is that unwritten equity which leads English landlords so liberally and generously to make voluntary remissions of rent. It is that unwritten equity which was the foundation of that enormous precedent for interference with contracts—the Irish Land Act. Before that Act, the landlord, as far as law or contract went, might have appropriated the improvements of his tenants, might have disregarded the Ulster Custom, and elsewhere might have turned tenants out of their holdings without any payment. But by that Act you interfered with contract, allowing no compensation for the interference, in the interests of the public peace and public

good, and in the real interests of property itself. I do not represent this Bill to your Lordships as a development of, or as a corollary from, the Irish Land Act; but, in principle, it is a far smaller interference with the rights of property than that Act was. We have other Dependencies besides Ireland, and those immutable principles of justice to which the noble and learned Lord appealed are applicable wherever we rule. In India we have done permanently by our legislation more than your Lordships are asked to do temporarily by this Bill. The 23rd section of the North-West Provinces Rent Act, 1873, enacts that—

“Whenever in any land the crops have been damaged or destroyed by any cause beyond the tenant's control, any officer empowered by the local Government in this behalf may, subject to such rules as to appeal, confirmation, or otherwise, as may from time to time be prescribed by the Board, order that the whole or any part of the rent then payable for such land shall be remitted, or that the payment thereof be suspended for such period as he thinks fit.”

The rent here spoken of is not the land revenue payable to the Government, but the rent, properly so called, payable by the ryot, or cultivator, to the zemindar or landlord. Again, in a Blue Book just presented to this House—the Report of the Indian Famine Commission—they recommend an extension of that law to the other Provinces of India. It says—

“The relief to the tenants might be secured in one of two ways—either by passing a law similar to the provision in the present rent law in the North-Western Provinces, under which the Government might declare, in any given case, that the payment of the whole or a part of the rent shall be suspended, a corresponding suspension of the land revenue being at the same time granted to the lawful recipient of the rent; or, if such law were thought inexpedient, by making the suspension of the land revenue contingent on the suspension of the rent. We are not in a position to say how far the extension of the principle of the law of the North-West Provinces to all parts of India might become practicable; but we are of opinion that the principle is equitable, and should, if possible, be so extended.”

We do not by this Bill propose—and I agree that we ought not to propose—any such large and extensive legislation as that. The differences are all in the landlord's favour. They are differences of the most important character. This Bill is not—as nine-tenths of my noble and learned Friend's argument treated it—intended as a permanent and general measure; nor has it any ten-

dency to become so. It is a Bill of an entirely local and temporary description. It is a Bill in which proof is required that the non-payment of rent is caused by the particular distress to which the Bill refers, and that the landlord is seeking to evict his tenant, not in the reasonable exercise of his rights, but unreasonably. These are the provisions of the Bill; and it is not true, as has been represented—no doubt, in good faith—in the course of the discussion, though not, indeed, by my noble and learned Friend, that it places the landlord in a secondary position as compared with all other creditors. The Bill only affects those remedies which specially belong to the landlord. I agree with almost all that my noble and learned Friend said as to the reasonable character generally of the law in regard to the remedies of the landlord. But nothing is suspended by this Bill except the summary process of ejectment for non-payment of rent. The law of distress remains. My noble and learned Friend thought it convenient for the purpose of his argument to represent it as of little value; but, whether it be of much or of little worth, it is an exceptional law in Ireland, because by statute the landlord may follow the tenant by distress off the farm, and he has other exceptional privileges. My noble and learned Friend said that if the landlord attempted to put that remedy in force the whole country would be up in arms against it. That is an argument which in itself would rather tend to confirm our view as to the state of the country; and, if that is the state of the case, it goes some way to show that we may hope, by checking those wholesale, arbitrary, and capricious evictions which this Bill is intended to restrain, to do something conducive to the peace and order of the country. Where force or intimidation could successfully be used to prevent the use of the remedy by distress, I should think the remedy by ejectment might, in like manner, be obstructed. My noble and learned Friend was quite right in saying that the landlord will, under the Bill, be exactly in the same position as any other creditor. He may sue for his rent, he may issue execution, he may sell the interest of the tenant in the market—and my noble and learned Friend expatiated pathetically

on this point, observing, "This is what the Government are inviting the Irish landlords to do." When your Lordships heard that portion of my noble and learned Friend's speech, you would hardly have been prepared for the latter portion of it in which the terrible ruin that was coming upon all Ireland through this interference with the remedies of the landlord was so vividly depicted, together with the utter destruction of capital, the utter impossibility of paying mortgagees their interest, the foreclosures that would ensue, and the destitution that must follow. How can the two parts of my noble and learned Friend's argument hold together? He has pointed out that the entire remedy of the landlord as a creditor is preserved, and that it is capable of being prosecuted by him as a creditor to the length even of the eviction of the tenant without any interference under this Bill—that the landlord could not only get any possession of the holding, but also of the tenant's improvements. That could only be if somebody came forward and paid the whole of the saleable value of the holding and of the improvements. I do not know that a tenant in such a case could do anything better than dispose of his interest; and if he would not do it voluntarily, then there might be no great hardship in the landlord having the power to do it, like any other creditor, by law. But it is clear that my noble and learned Friend, in saying that there would be facilities by which the landlord wishing to do it might drive a coach and six through this Bill by using a creditor's remedy, completely destroyed the other part of his argument based on the serious injury done to the landlord.

EARL CAIRNS said, what I said was, that no good landlords would take such a course, but that you were holding out an invitation to bad landlords so to act.

THE LORD CHANCELLOR: I deny that we are inviting them to do any such thing. We are no more inviting any improper use of that remedy, than those who oppose this Bill are inviting landlords to use oppressively their power of eviction; but I say that if the tenant will not agree to a reasonable method of providing for his liability, this Bill will give him no relief, and he himself only will be to blame if the landlord uses his remedies. My noble and learned Friend shows that in a case in which it

would be just to evict his tenant, the landlord has this remedy left to him. So much for the creditor's remedy.

I now turn to other objections which have been taken to the Bill. The Government has endeavoured to make the relief given by this measure proportionate to the need, and not to carry it beyond that need—to apply the Bill only to those cases in which landlords were making a dangerous, indiscreet, and arbitrary use of their power. And when it is said that it affords a minimum of relief, that is at least an admission that the Government have accomplished this object. I agree that since the great Famine of 1847 the general condition of Ireland has much improved. There are many signs of it, to some of which my noble and learned Friend has referred—the deposits in savings' banks, and other things. It is only this exceptional and temporary distress which has thrown the country back; and it is to meet this temporary and exceptional distress, and the non-payment of rent arising out of it, that a measure of this sort ought to be directed. With respect to the general objection, urged chiefly by the noble Earl who moved the Amendment (Earl Grey), that the effect of the Bill must be to check the operation of those natural processes which tend to remove from the land tenants who are incapable of living upon it, and whose removal would be a benefit to themselves and to the country, I do not think it is at all necessary to deny that there are such tenants, or that it would be well that they should go where they might find better and happier circumstances. But this Bill will, in no way whatever, interfere with the operation of those natural processes. What it deals with is the wholesale dispossession of those peasants, throwing them suddenly without any provision for their necessities on the world, without any means of emigrating, or in any other way of maintaining themselves—an operation which, if it were meant to enforce emigration, would tend to bring it into discredit, and which, while it might cause disturbance and disorder, would lead to no better social conditions in that part of the country. Then, as to the limitations contained in the Bill, we have been told that the area is too large. I am not going to argue the question whether the area might or might not be reduced, because that is a question for Committee. I will only

state the reasons which induced the Government to propose the area which they have adopted. They found in the Loans Act of the late Government this area scheduled as one so affected by the prevailing distress as to make it fit that exceptional assistance should be extended to parts of all the Unions within that area by means of loans at an unusual and extraordinary rate of interest out of public funds. That was evidence that within those different Unions and that area the elements of exceptional distress existed; and the Government thought that as the safeguards of their Bill would prevent the application of its provisions to cases to which they ought not to apply, on the other hand it would not be safe or desirable, if such a measure were introduced, to except any of those districts which the prevailing distress had more or less affected. It has been said that we ought to have taken the area of Poor Law relaxation. That would have been, if its aggregate were taken, nearly as large an area as the one we have proposed; and, moreover, it fluctuates from day to day. Between the months of April and August it has varied very much. So much with regard to the area. With regard to the time, I think the criticism so minute that I do not intend to occupy more than a moment in dealing with it. If your Lordships think one year better than 18 months, that might be done in Committee. The Government thought it more prudent to cover two harvests, by which time they hoped the country would have returned to a normal state of things. With regard to the question of value, again, if you think it is fixed too high, this can be remedied. That matter is one entirely for Committee. As to the compensation; in the first place, it is required by the Bill as a condition of compensation for disturbance that the non-payment of rent by the tenant shall appear satisfactorily to the Court to be owing to the tenant's inability to pay, that inability being caused by distress as aforesaid. It has been said, How is the Court to discover that? In the first place, the burden of proof is laid on the tenant, and not upon the landlord. The tenant must satisfy the Court that he is unable to pay, and that his inability is caused by this particular exceptional distress. Well, it was suggested by the noble Marquess (the Mar-

quess of Lansdowne), that the tenant would have nothing to do but to get into the witness-box, and he and his friends would soon show he was unable to pay, and there would be an end of the matter; there would be no means of showing the contrary, and the County Court Judge would be perplexed. I should like to know what would be the sort of facts that would be brought forward. What would be the tests of the truth of the tenant's statement or its falsehood? The answer is very simple. Had the tenant cattle, stock, crops? If so, then it can be proved. Had he been in receipt of relief under the exceptional relaxation of the Poor Law, or from the relief committees which have administered public or other charitable funds? If not, then it would be easy to see how that case ought to be decided. Is there a combination of tenants who have all found out suddenly that they are, since this Act passed, unable to pay when they were able to pay before, who have had upon their farms stock and crops, who have not been in receipt of exceptional relief? Well, there could be no difficulty with such a case as that. Some references have been made to the capacity of the County Court Judges who administer the law of the land to the population of Ireland. If they are able to administer justice in all other matters, I fail to see why they are not fit to do it in this. Do your Lordships believe that, if there was a sudden combination to arise under the Land League, the Judge would have the smallest difficulty in turning those cases out of Court as fast as they came into it? I have lately had the advantage of reading a letter, admirably written, to a private friend, upon the subject of this Bill from the proprietor of an estate on which very large sums of money have been expended in the most liberal manner, upon improvements beneficial to the tenantry. Your Lordships may take it that the sum spent has been very large indeed. On that estate all the rents have been hitherto regularly paid; it has had scarcely any benefit from these relief funds; but it is nevertheless scheduled, and the landlord is in a state of alarm. He is afraid that all his good tenants, for whom he has done so much, may suddenly refuse to pay their rents. I am astonished that a man of such excellent sense, and of such excellent practice as the proprietor

to whom I refer, should be capable of believing in so wild a chimera. No lawyer of five years' standing would find any difficulty in dealing with a claim to compensation, made under such circumstances as these. What is your experience of the working of the Land Act? A Return was recently presented of the compensation given in cases of non-payment of rent under the 9th clause, and the return was nil; and the whole number of cases under the disturbance clause of the Land Act was, as was stated last night by my noble Friend (Lord Emly), extremely small. The County Court Judges understand how to do their duty in these cases. If there was one thing more than another which I heard with regret in the speech of my noble and learned Friend, it was—I cannot call it the interpretation he placed upon any observations of the Prime Minister, but—the impression he seems to have derived from some reports of speeches made by the Prime Minister in the House of Commons. As I understand those speeches, there was no one more careful than the Prime Minister to let it appear that he did not propose this measure as any development of the Land Act. What the Prime Minister said was this—and it was most just and true—if you object that it is contrary to principle in any case to allow of compensation for disturbance when the ejectment is for non-payment of rent, the Land Act contradicts you on that point, because you have already admitted that principle, not only in the Bill as it was brought from the House of Commons to this House, but in the Act as it stands. The 9th clause of the Act applied that principle to every tenancy under a certain value then existing in Ireland, if the landlord should have allowed an arrear of rent to accumulate for above three years—which he might well do through the most generous forbearance, as well as for reasons less creditable—and also whenever a county Court Judge might think the existing rent exorbitant. Now, with regard to the other condition—

“That the tenant has offered reasonable terms, and that such terms are refused by the landlord without the offer of any reasonable alternative.”

Here the burden is put partly on the tenant, and partly on the landlord. But the landlord may defend

himself, by showing any reasonable offer whatever on his part, whether it be to give time for payment by reasonable instalments, or to accept reasonable security, or to allow the tenant to sell his improvements and his interest in the holding to another more solvent person. When it is said that this Bill will force tenants to incur two years and a-half of arrears, and that the whole class of tenants will be demoralized and ruined, such a representation can only be described as the height of exaggeration; and I am sorry to say it is of a very mischievous kind. It is not the language of sense and reason, but of panic. It is said that Mr. W. E. Forster came back from Ireland in a panic. I entirely deny it; but it appears to me that panic pervades the arguments which have been urged against the Bill. The noble Marquess (the Marquess of Waterford), last night, said this Bill would confound good and bad tenants and good and bad landlords. I say it would do the very reverse. The Bill, if it were allowed to pass, would distinguish between the good and bad landlords, and among tenants it would distinguish who were voluntary and who were involuntary defaulters. It would strengthen the hands of the Government in protecting life and property, and it would also have a tendency to discourage that mischievous agitation to which reference has been made, and the existence of which, I verily believe, is the real reason of the opposition to this Bill. No one can entertain a stronger opinion than I do of the unjustifiable character of that agitation. In my opinion, no concession ought to be made to it, now or hereafter. But it appears to me that by rejecting this Bill, if it is to be rejected, your Lordships will prevent a line being drawn between those tenants who are innocent, who are suffering from distress and cannot pay, and those who lend themselves to that agitation. It is necessary for the public interest that there should be no confusion on that point. The law should be able to make a distinction and to throw its influence on the side of leniency in the one class of cases, and not in the other. By leaving destitution unprotected you put a plausible moral argument into the hands of the agitator, and while you thus imperil the peace of Ireland you take on yourselves a very great responsibility. I do not pretend to be as good a judge

of the state of Ireland as many of your Lordships who live in that country; but I think that most of your Lordships will feel with the noble Earl (the Earl of Derby) who spoke last night below the Gangway, that there is a very great responsibility in refusing powers so moderate and so guarded as these really are to the Government, who say, if their hands are so strengthened, they believe they will be better able to discharge their duties and protect life and property in Ireland. I have not been able to take on myself the responsibility of refusing to join with my Colleagues in asking Parliament to arm the Government with those powers, when the Irish Executive considered that they were necessary. Your Lordships must judge for yourselves what responsibility you will assume; but you may depend on it is a serious responsibility. It may be true we may not have foreseen some things—it is true we did not foresee the panic which the announcement of this measure has created—we did not foresee that the language of agitators would be endorsed by those who sit on the Opposition Benches—we did not foresee that the majority of your Lordships would think it wise and safe to reject this measure; but, whatever our want of foresight may have been, I must still call on your Lordships to consider whether worse effects may not follow from its rejection than from passing the Bill. The Government who proposed, and those who support it, have a right to be judged, not by the effects which may follow its rejection, but by the effects which on reasonable grounds might have been expected to follow from its acceptance. I do not presume further to deal with that matter. If your Lordships think fit to reject this Bill, I shall continue for one to be of opinion, with my Colleagues, that it is still our duty—though the means of doing so may not be all that we had hoped—to maintain to the best of our power peace and the authority of the law in Ireland. If, hereafter, in consequence of the rejection of this measure—if it is to be rejected—it should become necessary to come here and ask for other powers, it is not for me now to anticipate such an event. All I can say is, that none can more sincerely hope or desire than I do that, whatever your decision may be, it may be for the good of the Kingdom, for the welfare of Ire-

land, and for the honour of your Lordships' House.

THE DUKE OF SOMERSET said, the arguments of the noble and learned Lord had conveyed to him the impression that he felt he had a very poor case to defend. He would not follow the noble and learned Lord into the history of the Land Act; but he was in the House on the 20th of May last, and he heard the Government declare their intentions about the measures they intended to introduce. They then knew the disturbed state of Ireland and the agitation which prevailed—they knew then all that they knew now—but, notwithstanding, they told them nothing that legislation of this nature was intended; they said they trusted to the good sense and loyalty of the people of Ireland; they said they would look into the question during the autumn, and consider what measures it would be desirable to bring in. He thought it wise in the Government to leave the question of Ireland to be considered in the autumn, because they all knew that there were a number of difficult questions before them. There was the Foreign Secretary, who had got Eastern Europe on his hands. There was the Colonial Secretary, who had got all the Colonies, including the most complicated case of South Africa. There was the Secretary of State for India, who was distracted with all the disasters in Afghanistan. And as for the Home Secretary, he was up to his neck in the Water Supply. How, then, could these Ministers give their attention to the important question of Ireland? The Bill was not introduced in obedience to a sudden emergency—it was not introduced as the result of any consideration or of any attention paid to the state of things in Ireland, because they had not given any attention to the state of Ireland. That they did not give their attention to it was clear, because, if they did, they would have their statistics ready. But they had no statistics ready, and after they brought in their Bill they got up their statistics. The statistics were not the foundation of their Bill, but were brought forward to support it after it had been introduced. He had not got any land in Ireland, and the Bill did not affect his rents; he was, therefore, able to look calmly at the question, calmly to consider what effect the measure would have, irrespec-

tive of the speeches of political partizans. He was able to look at the matter impartially, and form his opinion judicially. He would, in this view, read to their Lordships the remarks of Judge Lawson, uttered on the 13th July. He said—

“If once the belief goes abroad that any particular class of contract may be repudiated, that doctrine will be extended to every class of contract.”

And Judge Lawson said, further—

“If this state of things is allowed to go on unchecked, it must lead to the breaking up of all the bonds of civilized society.”

He (the Duke of Somerset) wanted also to see whether he could not get some independent opinion on the subject. He saw that a Member of that House had written a little book on the commercial principles applicable to contracts for the hire of land, and he found in that book this passage—

“To enforce new rules against either party to an existing contract, where it was made not subject to these rules, is to commit injustice between man and man.”

Who was the author of that passage? The noble Duke (the Duke of Argyll) on the Bench below him. The noble Duke went into the whole question of Ireland, and said that—

“Certain clauses in the Irish Land Act of 1870 were held to justify an exceptional remedy. But this exception was strictly limited, and in the very Act its abnormal character was declared.”

He thought that a very good reason; and, therefore, he said—“We are quite safe while the noble Duke is in the Cabinet; he is not one who will give up his opinions; when he has founded them on what is right and honest, he will hold to them.” They were told that the measure was temporary, and that the reason for it was that it took so many officers to serve these notices. But, when the Act expired, what was to happen? Would they be able to serve the notices with one or two officers? And did not the Irish say—“You call this a temporary measure; we call it an instalment.” The fact is, they would probably find it more difficult to get the rents at the end of next Session than now. The Bill looked to him very like a Bill for the eviction of the landlords. They had been told that property had its duties as well as its rights. But

here they imposed all the duties on the landlord while they gave all the rights to the tenant. It was said that "the germ" of the Bill was contained in the Land Act of 1870. He was glad to find that in that House the doctrine of germs was repudiated. Our Constitution was rich in germs. There was in it the germ of Absolute Monarchy and the germ of a Republic. But if they once got to the doctrine of germs he did not know how far they might germinate. He was, therefore, glad to hear his noble Friend give up that doctrine. He had in his pocket the book which the noble Duke (the Duke of Argyll) had written. In it the noble Duke repudiated the idea of compelling a bad landlord to do what the good landlords did of their own accord. The noble Duke said there never was a phrase invented with less right and reason than the phrase that the object was only to make bad owners do what good owners always did of their own accord, because that meant that men were to be made generous and liberal by Act of Parliament. The noble Duke ought to have read his book to the Cabinet, for it showed that the Act of 1870 was a very doubtful measure. But now his noble Friend proposed to go further. He believed that on both sides of the House they wished to improve the condition of Ireland, to improve their means of subsistence, and to raise the standard of comfort among the people; but the question was how was that to be done? He thought the Government ought to consider the whole question of Ireland, and not any one special or temporary measure, during the autumn. Whatever remedy was applied to the evils that were admitted to exist, it would be found necessary to give compensation. He was old enough to remember when the cry rose from all parts of the country against the West India planters, because they were the owners of slaves, and the demand was irresistible for the abolition of slavery. What did the Government of that day do? They regarded the matter as a question of property, and came to Parliament and asked and obtained £20,000,000 for the purpose of compensation to the slave owners. In this case, however, the Government desired to compensate the unfortunate tenants of Ireland who might be evicted, not, however, at their own

expense, but at the expense of the landlord. This was most unjust, and if this were the last vote he should give in Parliament, he should give it against a measure that he believed to be dishonest, dishonourable, and detrimental to the best interests of Ireland.

THE EARL OF ZETLAND said, it was with the greatest regret that on this, the first occasion on which he had asked their Lordships' indulgence, he felt it his duty to speak in opposition to the noble Earl who had introduced this measure in their Lordships' House, and in opposition to those noble Lords, besides whose lead in political affairs he had hitherto followed with the greatest possible pleasure. But his honest conclusions were entirely at variance with the Government. He was perfectly aware that the farmers of England, Ireland, and Scotland had suffered greatly, and he would be perfectly ready to support a measure for their relief; but he could not admit that it was just or equitable to place a tax upon one class of the community to relieve the sufferings of another class. Nor was it agreeable to him to appear as an opponent to a measure for the relief of distress; but he could not think it consistent with the first principles of political economy and sound legislation to place a burden, such as was proposed, upon the resources of those whose energies were devoted to the improvement of their property, in order to meet the demands of another class. It might be presumptuous on his part to say, but he was bound to say, with all humility, that it was impolitic on the part of the Government to proceed with such a measure when a Commission to inquire into the Land Act of 1870 had been appointed, and had not yet had an opportunity of presenting its Report. He held, too, that when the Bill was introduced Her Majesty's Government were not sufficiently informed as to the condition of affairs in Ireland—for it had been proved in the House and "elsewhere" that the statistics in regard to evictions had been very greatly exaggerated. The question before the House was—whether this measure was calculated to make matters work more smoothly than hitherto? His own opinion was that it was calculated to irritate the existing sores, and, if possible, to increase the difficulties which they, unhappily, had to meet. They



had been told that this was an exceptional measure, brought forward under exceptional circumstances; and, indeed, the exceptional character of the Bill was so obvious that its advocates, unable to conceal its grave importance, insisted strongly on the limitation of time and space by which it was proposed to render it harmless. But, as to time, who was to say whether the agricultural prospects would be, in Ireland or elsewhere, any brighter than it was at the present moment? And as for the limitation of area, he believed it required no great foresight to say that at the end of two years these districts adjoining the scheduled districts would clamour for the benefits which had been conferred on the latter. It was impossible not to foresee that the measure would not die a natural death, and that there was certain to be a clamour, not only for its continuance, but for its extension. He felt it would be wasting their Lordships' time if he entered into the details of a measure which had been so fully discussed; but before he sat down he begged respectfully to say that it was with the greatest possible regret, the deepest sense of pain, that he felt bound to sever himself on this occasion from Her Majesty's Government. It was with the greatest possible pain that he had resigned the position under Her Majesty's Government, insignificant though it might be in a political sense, but a position which as long as he lived he would esteem it a high honour to have held. Deep, however, as was his regret at being obliged to take that step, much deeper would have been his regret in the future if, in order to retain that position under Government, he had given his support to a measure of this kind.

VISCOUNT MONCK said this Bill had been represented as an unwarrantable interference with the rights of property. He did not wish to say one syllable in disparagement of those rights or of the obligation which rested on the Government and on Parliament to maintain them, and he fully shared the satisfaction of the noble Earl (Earl Granville) at the respect the rights of property had always maintained in that House. But if their Lordships wished to destroy respect for rights of property and to bring them into disrepute, they could not adopt a better mode of doing so than by maintaining a rigid and pedantic ad-

herence to those literal rights, and so allowing them to work injustice and defeat the end for which they were instituted. He did not think any good was ever obtained by refusing to recognize patent facts; and he admitted that, in his opinion, this Bill was an interference with the rights of property. But the question they had to decide to-night was, not whether the Bill interfered with the rights of property, but whether the case put forward by the Government was sufficiently strong to justify the introduction of a temporary and exceptional measure. The rights of property in this country were all exercised under the control of the Government, and of that higher law which provided that they should not be used to the detriment of society or of the individuals who composed it. From the information they had received the Government had come to the conclusion that the right of eviction was being exercised, or was about to be exercised, in a manner which might compromise the public interests, and possibly lead to a breach of the public peace. He would ask their Lordships whether the rights of personal property were not at least as valuable and as deserving of being maintained as the rights of private property? Yet their Lordships had over and over again passed laws in the interests of peace to abridge personal liberty in Ireland when a sufficient case was made out by the Government. For his own part, he was quite prepared to give a similar vote under similar circumstances. The Bill did not affect any of the ordinary rights or privileges of the landlord; it only interfered with a right which was peculiar to the Irish land system, and to which there was no analogy in England; and to describe the Bill as one for suspending the payment of rent was, to say the least of it, an exaggeration. It had been said that the word "reasonable" was so vague that it would be impossible for the County Court Judges to come to any conclusion upon it. But the same word occurred in the Land Act of 1870, and he had not heard that it had given rise to any difficulty. A great deal had been said about the possible indirect consequences of the Bill. That did not seem to him a sound basis upon which to legislate. But if they must consider the indirect consequences, then he would ask them to remember

that the rejection of the Bill would put a powerful lever into the hands of unprincipled men in Ireland, and would give them a pretext to continue their mischievous agitation. He was not prepared to share the responsibility of doing that, and he should give the second reading of the Bill his cordial support.

VISCOUNT CRANBROOK: My Lords, the noble Lord who has just sat down has concluded his speech with something much in the nature of a threat as to the consequences likely to attend the rejection of this Bill; and the noble Earl below the Gangway who spoke last night (the Earl of Derby) gave us to understand as his only ground for assenting to this Bill was that the Government had laid it down that the only way by which they could maintain peace in Ireland was the introduction of this measure. The noble Earl's speech was one of the most singular to which I have ever listened. The first portion of his speech was addressed to the demolition of the Bill in all its principles and details, and the substitution of a measure which, he said, he would be prepared to support on the third reading—that is, he would support the second reading of the Bill, but solely on the understanding that it was to be completely emasculated in Committee. The arguments of the noble Earl were so conclusive on the different points of this Bill, that I really think they might have been left to stand almost alone against it; and when I add those of the noble Marquess (the Marquess of Lansdowne) and my noble Friend behind me, I feel that I might have left this debate to conclude without saying anything; but I think that after the charges which have been made, and challenges that have been thrown out, in respect of the responsibility we incur if we reject this measure, it is the duty of those who are prepared to oppose it to accept the position of opposing it, and to do so on the ground that this Bill is neither right nor just, and that, be the consequences what they may, they cannot be worse than those which would follow if this Bill passed. We are warned that the rejection of this Bill will strengthen the hands of the agitators in Ireland; but the course adopted by certain Members of Parliament, and members of the Land League in Ireland, is of such a character, and is founded on such principles, that neither

the passing of this Bill nor the passing of any similar Bill of a permanent character would have the slightest effect upon it. The agitation upon which those persons have embarked is avowedly directed to the object which the noble Duke opposite (the Duke of Somerset) has happily described as the eviction of landlords; and Mr. Parnell, in one of his speeches in America, went even so far as to say—

“ I feel confident that we shall kill the landlord system, and when we have given Ireland to the people of Ireland, we shall have laid the foundation upon which to build the Irish nation. None of us, whether in America or in Ireland, or wherever we may be, will be satisfied until we have destroyed the last link which keeps Ireland bound to England.”

These are the issues before you; and it is supposed that the Bill will put an end to these great issues, by giving the people of Ireland what is called possession of the land. Your Lordships have heard from the opposite Benches some extraordinary views as to the rights of property. The noble Viscount (Viscount Monck) to whom I refer said a man was not allowed to erect a building which darkened the lights of his neighbour. That was quite true—but why? Because the neighbour has property in his lights. If he had no such property you might build your house as high as the Tower of Babel. In the same way a man is not allowed to burn down his house, not because of the inconvenience to himself, but because of the danger involved to the property of his neighbours. We have heard the history of this Bill to-night, and some of your Lordships, I am sure, will not have failed to be struck with the language quoted as having been held by the Chief Secretary for Ireland when a measure of the same kind was brought in by Mr. O'Connor Power. The Chief Secretary for Ireland observed on that occasion that the suspension of eviction was almost the same thing as suspension of the payment of rent. Up to the month of June, then, it is clear that the idea of this Bill had never entered into the mind of the Government, and nothing occurring since then has been put before us to explain or justify its introduction. The noble and learned Lord on the Woolsack has spoken to-night in very much the same language as he used at the passing of the Land Act in 1870, following in the footsteps of his friends

with hesitation and doubt. The noble and learned Lord seems to imagine that the Irish people can be dealt with like a set of chessmen, and that, having placed them in a certain position this year, he may change it as he will next year. The noble and learned Lord ought to be aware by this time that the people of Ireland are moved by feelings and impulses, and not by learned *dicta*. They are swayed by influences of all kinds, which plunge them into crime and disturbances, whereby they bring misery upon themselves, and perpetuate that sad state of things which I am firmly convinced this Bill will tend to extend and make permanent. It is not the opinion of everybody, as it is of certain noble Lords opposite, that the jurisdiction of a Turkish Cadi can be safely intrusted to County Court Judges in Ireland; especially when it is considered, as the noble Duke opposite has told us in reference to Scotch tenants, that the prospect of obtaining money by means of the law will always induce men to resort to the most ingenious stratagems and devices. I hold in my hand a statement of Judge Longfield, who is thoroughly acquainted with the state of affairs connected with the tenure of land in Ireland, in which he says that where a single tenant succeeds in getting his rent reduced by pleading inability to pay, all the others will try to do the same, that the feeling of independence and honesty among them is gone, and that he could narrate many instances in which a tenant has pleaded poverty as an excuse for the non-payment of his rent, who was afterwards discovered to be in possession of far more money than was necessary for the purpose. Those are the people who seek to avoid the fulfilment of their engagements; those are the people who are conspiring, and who will continue to conspire, against the payment of their just liabilities. But beyond that there is this objection to the Bill—that it will have the effect of preventing even the good tenants from paying their rent, owing to that species of terrorism which, as we know, is brought to bear with such powerful influence in Ireland. It is, therefore, I maintain, opposed to the interests of the well-disposed tenants that such a measure should become law. It will demoralize them in spite of themselves. They will be driven to refuse to

pay rent and to appeal to the Courts to assist them in pursuing that course. The bad tenants will say to them—"Parliament is on your side; it desires that you should withhold your rent, and that you should obtain from your landlord compensation for disturbing you in your holding." The Bill, then, in my opinion, while it may be an advantage to the bad, will operate as a great disadvantage to the good tenant, whose honesty it will tend to destroy. It has been made a great point by the supporters of the Bill that evictions have largely increased during the period of distress. Let us suppose for a moment that there is a vast increase in the evictions in the scheduled districts—or rather in the number of notices of ejectment, which may end in real evictions or not. Can anybody, I would ask, be surprised that they should have increased under present circumstances? There has been an anti-rent agitation with the object of deterring the people from paying their rent; and, therefore, the power residing in the landlords—a power which before was only resorted to in extreme cases—has now become necessary in a great number of cases. The noble Earl who moved the second reading of the Bill told us of a case without a name, in which 12 tenants paid about £70 a-year in the shape of rent among them; and he spoke in moving terms of their wretched homes, their children lying ill of fever on mud floors, and of the process of law having not been merely employed to obtain rents from them, but to eject them from their tenements, of which statement he, however, gave no proof. But be that as it may, does it not, I would ask, make your Lordships think a little when you hear such tenements as these described as homes? Does it not shock you to find people so wretchedly placed whom, nevertheless, you are called upon to fortify in their wretched position instead of trying to enable them to secure for themselves a better one? I have seen a letter from Mr. Bence Jones, whose interest in the cause of agriculture is well known, in which he speaks of the misery of keeping people occupying holdings such as I have referred to from offering themselves as labourers, and, instead of being tied down to those wretched spots, living in better homes and being in altogether a better position. I quite understand that the earth-hunger which seems to

exist in Ireland cannot be eradicated in a moment. But why, I would ask, consolidate and strengthen that feeling in defiance of all that is reasonable and honest? You have had a Land Bill in operation for a period of ten years, and you say it has worked well. According to the Prime Minister, it has increased the value of land in Ireland, and the landlords have been deceived in supposing that it would work to their disadvantage. Now, I will avow that although I did not oppose that Bill in the House of Commons, I watched it with suspicion, and took a considerable part in endeavouring to qualify many of its clauses. It became law, however, and I want to ask whether, in spite of the improvement in Ireland, in spite of the riches which have since accumulated there, in spite of the money which is said to be in the Savings Banks, in spite of the increase in the Customs, and all other indications of prosperity, the operation of the Bill has not been rather to stimulate than to diminish the appetite of the people for land. For my own part, I will say without hesitation that I believe it has stimulated that appetite. It gave the Irish people the impression, not unreasonably, that it gave them something to which they were not previously entitled by law, and which had been taken from someone else. Despite, therefore, of all the advantages which might have resulted from the measure, I contend that it has had the effect of demoralizing the people, and that by this present wretched, this unhappy measure, as a noble Lord who spoke in favour of it last night called it, you are about further to excite their cupidity, and so to find them in 18 months either overwhelmed with debt, or coming to Parliament to wipe out the debt they have incurred. With the exception of the noble Viscount who spoke last, I have heard nothing like a real defence of the Bill, except from those noble Lords who sit on the Treasury Bench. The noble Earl who closed the debate last evening (the Earl of Kimberley) said the Land Bill of 1870 gave the tenant an interest in his holding; but what, I would ask, is that interest? We cannot, I maintain, too emphatically affirm that it was entirely based on the payment of rents which it is now sought to get rid of. To me it seemed that the speech of the noble Earl did

not show a very great love of his work; he qualified very much his approval, and, like the noble and learned Lord on the Woolsack, said that whatever might be the result of the Bill the law must be put in force. But a Judge, he added, was required to stand between the Executive and the tenant. Now, I am not going to dwell on what may be the action of the Judges by whom the provisions of the Bill will have to be carried out. It is, however, I think, perfectly clear that 33 gentlemen with questions such as those with which the Bill deals thrown absolutely loose upon their hands must decide upon different principles, and in a different manner. It is utterly impossible that 33 men can act in harmony in such cases. I have no doubt that, as the noble and learned Lord on the Woolsack has told us, the County Court Judges are lawyers of ability. The noble and learned Lord himself is, as we all know, a very able lawyer; but I am not at all sure that I should like to put an agricultural question in his hands on the terms on which the County Court Judges will have to deal with those which come before them. I would rather take 100 men who are not lawyers to deal with such a question. No lawyer can get out of the habitual set of his mind—to effect a compromise when he cannot entirely have his own way; and I, therefore, think the Bill would impose on the County Court Judges a burden for which they are unfit, and a duty which they cannot discharge with a due regard to honesty and fairness. It is a duty which will involve so much feeling and passion, and require so little law, that a County Court Judge, in my opinion, is the last person to whose hands it should be intrusted. I would almost rather submit such questions as those with which they will have to deal to the common sense of a court martial. I do not believe the County Court Judges are at all the persons to contend with the trickery and dishonesty which will be sure to be rife in their Courts. A noble Lord (Lord Emly) who spoke in favour of the Bill told us that nothing could be so absurd as the Schedule, and the response we have had to our objections to the Schedule is that it was fixed by the loans which were granted to landlords. But the question is—What is now the state of the country, what is now the position of the dif-

ferent Unions that are scheduled? I have had the particulars of one of these sent to me. In a Union, part of which is scheduled, in the County Meath—the Union of Oldcastle—the population is about 2,000; the present poor rate, 1s. 6d. in the pound on a valuation of £5,350; the number of indoor paupers, 10—the number of able bodied men, none; the number of able-bodied women, 1; the number of children, none—so that there are 11 people in this distressed Union in the workhouse. The number of persons receiving outdoor relief, 24; six of whom are labourers, and one holds land. How many Unions in this country are ten times more distressed than such a Union as that? Why, I have seen a letter from the same place showing that there is no exceptional distress there to warrant its being classed as a starving Union, and that there is nothing approaching to starvation anywhere in it. Of course, in a country of early and prolific marriages there will always be distress; but is it reasonable that such a Union should be placed in this most exceptional position? Now that you know that there is no fear of starvation, and seeing that this is a measure which is contrary to the laws of political economy, and a breach of the ordinary relations between man and man, is it not contrary to justice to extend the application of the Bill to districts in which poverty and destitution do not exist? And when you extend it to such districts as those, upon what ground do you not extend it to the whole of Ireland? In some of the districts which are not scheduled, there are some places with far greater poverty than those I have mentioned. It has been said that the Bill is limited; but, however much you think you can limit it, there are watchful eyes who will take care that every precedent you lay down will be looked into; and when they find that you have included rich and prosperous districts, they will very soon be ready to call upon you to extend the Bill to poorer districts also. I remember, in 1870, the question arose as to the conduct of the landlords; and I think it was on that occasion that a statement was made by my noble Friend the Viscount opposite (Viscount Sherbrooke) that, though he had sat on Committees and heard general charges made against the landlords, he had never come across a well-au-

thenticated case of injustice on their part. At all events, we have this—that during the 10 years in which there has been a power in the tenants to proceed against landlords for exorbitant rents, no one has been able to bring before you a single instance of that kind. I cannot now help calling attention to this—that, with regard to the landlords upon whom you are going to force this Bill, you have not given us one tittle of evidence of any injustice on their part. Do you suppose that if exorbitant rents had been exacted tenants would not have come forward and claimed the rights conferred upon them by the Land Act? It seems to me that this is a distinct proof that the landlords of Ireland are, in the great majority, fairly doing their duty by their tenants. If there are a minority who do not do so to the same extent, we may bear in mind in reference to them the maxim—“*De minimis non curat lex.*” Surely you have no right, because of exceptional instances, to extend the law to the whole of these scheduled districts, and include in its application all the good landlords who are often, in the interest of the tenants themselves, endeavouring, by the issuing of these processes, to place their tenants ultimately in an improved position. A good deal has been said about the jointures and mortgages of landlords; but I go further, and, looking at that class who are not owners of land in Ireland, must ask what is to become of the labourers if you impoverish the landowners? If what you are doing is for the good of the present possessors of the land, it is to the injury of those who are not already possessors of it; for you are keeping them out of land which they might be ready to take if you were to give them the opportunity. As to the Bill being temporarily limited, that is one of the fictions which I do not think your Lordships will swallow. It is an impossibility—you cannot take a bone out of a dog's mouth. Good and bad tenants you are equally putting under this law; and this you are doing, in my opinion, because there is an agitation to compel you to do so, and without statistics to justify your action, and with a condition of Ireland which is improving to such an extent that the prospect of the harvest is almost more magnificent than any that has ever been looked forward to in that country. A telegram has recently been placed in my hands

showing the sort of terrorism which exists under the Land League in Ireland. Your Lordships know that in certain parts of Ireland the practice is to sell the grass upon the land, so that it may be cut and carried by those who buy it. This year, on an estate in Roscommon, an edict was issued prohibiting the practice in a particular case. This is the kind of terrorism which shows you what is at work in Ireland. Now, what is it you are doing by this Bill? There is a great controversy going on in Ireland on the subject of the land. You have men going about and declaiming against the rights of landlords, and calling upon you to give possession of the land to the occupants of it. The landlord is held up to execration as an evil monster who ought to be got rid of by any means. I should like to quote the opinions of an excellent priest, who said—

“He thought Providence might have sent the succession of bad harvests in consequence of the propagation of evil doctrines by designing persons, who were trying to mislead the people.”

I regret that some of those who should have been the apostles of peace have appeared at places where language of a character opposed to peace has been heard. But the language which has been held is the language of robbers and plunderers. It is to destroy the property of those who now possess it, or to take it from them, and, by legislation or otherwise, to force it into other hands. While this anti-rent agitation is going on the Government is found on the side, not of those who are within their rights, and are only enforcing contracts, but of those who are doing the reverse. There is a passage in the Book of Exodus which I have always thought a very remarkable one—“Thou shalt not countenance the poor man in his cause.” It is a very taking thing to countenance the poor man in his cause. I cannot help thinking that, in this case, the noble Lords opposite and others are acting on this principle. They are countenancing the poor man in his cause when it is an unjust one, when it is contrary to the compact by which he has bound himself, and contrary to the interests of justice, and when the consequences will be fatal alike to law and order both in Ireland and England. Your Lordships cannot suppose that you can lay down evil principles without their coming, some time

or other, home like chickens to roost. Those principles which are hostile to the interests of order elsewhere will, some time or other, recoil on your own heads. In my opinion, the House of Lords has but one duty to perform—not to take the course which my noble Friend (the Earl of Derby)—pardon me for saying so—ignobly asked us to adopt. He destroyed this Bill by his merciless logic. He is not persuaded by the statistics which have been produced. But although it was said that confidence is a plant of slow growth in aged bosoms, and my noble Friend is no young politician, yet his confidence has grown so fast that, simply because the Government tell him they want a law that is contrary to all the principles he has ever advocated, and that they want it for a certain purpose—that of keeping the peace in Ireland—he supports it with the object of destroying in Committee every detail to which its friends are committed. And, supposing that the Government say they require all these details to carry their wishes into effect, what will he do then? He will have brought us, after forfeiting our own principles and convictions, into collision with the House of Commons on some point of detail or of limitation of money on which we should not have the means of standing with dignity. And, therefore, I call upon this House to be just and fear not, as my noble Friend near me said; and by doing justice, by throwing out this Bill, you will put a check on agitation by showing that there is in the Parliament of England a power which is not afraid to stand between right and wrong and to vindicate the right, and that the just claims of the Irish landlords are not altogether deserted by both branches of the Legislature.

THE DUKE OF ARGYLL: My Lords, I think that those who rise to speak in favour of this Bill from the Government Bench to-night have need of all the courage of the Six Hundred that rode in the Balaklava charge. We have powerful batteries opposite to us; we have powerful batteries on the one flank and on the other flank; we have powerful batteries in our right rear and in our left rear; and the most powerful battery of all has been immediately behind us. I hope that my noble Friend (the Marquess of Lansdowne) will allow me to assure him that the pain I may have

endured, as a Member of the Government, from his speech, was more than than overpowered by the pleasure I had, as a Member of this House, in listening to him last night. I have no hesitation in saying that, although we have had to-night a speech three hours long "by Shrewsbury clock," there has been no speech so able, so concise, so strong, as that of my noble Friend the noble Marquess behind me. I think it was a one-sided speech; but I rejoice—and every Member of this House will rejoice—in the discovery that we have made, not only for the first time, that we have in my noble Friend one who is able to give expression to his opinions with moderation, with dignity, and with force. My Lords, I will confess that in this Balaklava charge I am exposed to unusual difficulties; because not only do I encounter all the batteries to which I have referred, but a special battery mounted by myself has been seized by the enemy, the noble Duke behind me, and by all the noble Lords opposite, and all my guns have been turned against me in this debate. My Lords, I will be frank as to my view of this Bill. After listening to this debate for two nights, I can say with perfect truth that there is no Member of this House, on whatever side he may sit, who is more alive than I am to the many objections, some theoretical, some practical, which may be taken to the measure. All the more am I desirous of explaining how and why it is that I, nevertheless, find myself among the number of those who recommend it to the adoption of your Lordships. I confess I think that the Government have been unfortunate in many circumstances over which they have no control. The introduction of this measure was undoubtedly sudden and without previous warning. It was apparently introduced to meet partially a most unreasonable demand coming from a most unreasonable man. And, lastly, my Lords, it was introduced at a time when Ireland had been the victim of one of the most unprincipled agitations which have ever vexed the melancholy ocean of Irish politics. These are all circumstances which surrounded the Bill with fear and suspicion. I am not going to say anything, as far as I can help it, of a controversial or polemical nature. I think it is all the more the duty of the Government to maintain the strictest

moderation of language, because I cannot forget that on the great question of land in Ireland we are playing with edged tools—with fire at the door of a powder magazine. During the course of this debate I have observed that fear and suspicion have had a large part in the arguments adduced against the Bill. It is not so much the immediate fear of this particular measure, as the ultimate results it may lead to, and, as it is called, the principles it involves, that have inspired the opposition of noble Lords opposite, and of my noble Friend behind me. And, therefore, I desire in the first place, to say a few words as to what this Bill is not, before I say what I conceive this Bill to be. First, then, this Bill is not intended by Her Majesty's Government—as some observations that have fallen from noble Lords opposite lead me to believe they fear it is—as a prelude and a preparation for an attack on the settlement of 1870. I confess that this is a point on which I am extremely sensible. We are practically the same Government as that which brought in the Act of 1870. There are a few personal differences in the Cabinet; but, practically, we are the same Government, and we represent the same Party. I am bound to admit that we introduced that Bill and carried it through Parliament, assuring this and the other House that, so far as we were concerned, we intended it to be, and hoped it would be, something like a final settlement of the Irish Land Question. It is only 10 years since that Act was passed. We have been out of Office for five years; and if it were really to be the case that every time the Liberal Party is out of Office and comes back again into power some great reconstruction of the Irish Land Act is to be expected, I should have little hope of the condition of Ireland. But I do not understand why this expectation has been held out or formed in regard to the present Government. I very much doubt whether you will find in the whole of the speeches of Mr. Gladstone during "the Mid Lothian Campaign," as it is popularly called, one single sentence that held out the hope or the expectation that we were going to attempt the reconstruction of the Irish Land Act of 1870. It is perfectly true that a general expectation has been formed in regard to a portion of that Act—namely, the

Purchase Clauses, commonly called the "Bright Clauses"—which have notoriously failed from accidental causes, that they would be taken into serious consideration, and, if possible, that a remedy would be found for the failure of those clauses. The noble Marquess opposite (the Marquess of Salisbury), who spoke last night against the measure now under discussion, and who was one of the most strenuous opponents of the Act of 1870, was in favour of those clauses; and many Conservatives have been of opinion that it would have been a wise thing if the number of the proprietors could have been increased and the "garrison of property" strengthened in Ireland. Therefore, whatever decision the Government may come to, no one would say that any measure on that question would be unsettling of that Act. There is an enormous difference between that part of the Act and other parts. The other parts do undoubtedly interfere with the pre-existing rights of property, and I always hold that there is an enormous difference between an Act which purports to give property to the peasantry of Ireland by purchase and another Act which gives it without purchase. Now, the present Government and the late Government have appointed Commissions to inquire into Agricultural Distress, and into the operations of the Land Laws in Ireland; and I conclude, therefore, that the noble Lords opposite are willing to take into their consideration any evidence that may be produced by the Commission which they issued or the one which we issued; and I was rather surprised to hear from the noble and learned Earl (Earl Cairns) to-night an intimation that he, for one, was willing to take into consideration very large changes indeed in the relations of landlord and tenant in Ireland. I understood him to intimate that he was willing to consider—favourably even—such a measure as the extension to the whole of Ireland of the Ulster Custom, which has been established so long in the North.

EARL CAIRNS: I did not say "consider favourably."

THE DUKE OF ARGYLL: He used the expression "any statesmanlike plan such as that"—meaning the Ulster Custom. [Earl CAIRNS: Hear, hear!] Well, what does that mean? I am not sure that I did not suspect the noble Earl of having taken a leaf out of the book of

his distinguished Leader, and of having begun to educate his Party on this question. At all events, he is willing to consider any statesmanlike plan for the extension of the Ulster Custom to the whole of Ireland. If that is the case, I can only say there is no possible difference as to the whole question of the Land Act being open for consideration, if adequate proof can be given that the Land Act has failed of its object. But, for the present, I am not prepared to say that the Land Act of 1870 has failed. I believe that, on the whole, it has worked fairly; and unless the strongest evidence is produced in favour of the conclusion that it has fallen short, I, for one, should be very unwilling to disturb it. There is another declaration I should like to make as regards what this Bill is not. It is not intended by the Government to set up any principle applicable to permanent legislation. I must say that there is a good deal of fallacy used on both sides of the House about what is called "the principle" of this measure. After all, legislation is not one of the exact sciences. I think it most dangerous to say of any measure that because you adopt a little bit of a certain principle which, if carried further, would be bad and unjust, that, therefore, when you carry it a small way it is equally bad and unjust. All our institutions are full of "germs," and it has been truly said that if we followed them out we might convert our limited into an absolute Monarchy, or into a Republic. We must beware of this reasoning. With respect to the freedom of contract, the Act of 1870 does place in the hands of the County Courts in Ireland a certain power of judging of the exorbitancy or non-exorbitancy of rent; but it would be a different thing to give to those Courts the power of valuing rents all over Ireland. It is not a true opinion to say that this Bill involves the same abstract principle, and that, therefore, it must be condemned as dangerous and bad. The danger of this is that it is exactly the argument taken up by Mr. Parnell. He says that the Act of 1870 was useful in this way. He says it was full of what he calls "germs;" but then these germs were placed under such limitations that practically they are useless. The limitations were a part of the principle, and an essential part of the principle; and I am not to be told that because I carry



that principle a short way I am bound to carry it a greater way. I repudiate it when I find it in the mouth of Mr. Parnell, and I repudiate it when I find it in the mouths of noble Lords opposite. Now, with regard to this Bill, I contend that this Bill, as a whole, cannot set up any principle whatever. Let me read the Preamble, and see whether we can get out of that any principle which we are bound to carry into permanent legislation:—

“Whereas, having regard to the distress existing in certain parts of Ireland, arising from failure of crops, it is expedient to make temporary provision with respect to compensation of tenants for disturbance by ejectment for non-payment of rent in certain cases.”

Now, there are so many limitations to whatever principle you may think there is in this Bill, that those limitations absolutely preclude this House from being committed to the further application of any principle which may be traced in the operation of the Bill. I, for one, should not be a party to the measure if it had been applied to the whole of Ireland, to tenancies of all sizes, and if applied for all time. The whole structure, the whole character of the Bill, stamps it as a provisional, temporary, exceptional measure. And I must entirely deny the accuracy of the quotations made by the noble and learned Earl (Earl Cairns) in the course of his speech from the speeches of the Prime Minister. The Prime Minister never said that this Bill was the legitimate development of the Land Act. He may have said that it was the spirit of the Land Act applied to particular and exceptional circumstances; but he never said what the noble and learned Earl attributed to him—that it was the legitimate extension and development of the Land Act.

EARL CAIRNS: Illegitimate.

THE DUKE OF ARGYLL: Illegitimate? No, he certainly did not say that. I wish further to say, so far as I am concerned, and the whole of the Government is concerned, that this Bill does not aim at breaking down any principle now established in the law. I refer particularly to the principle which limits the tenant's interest to the condition of the payment of rent. Many observations have been made by noble Lords opposite urging that the interest which was given to the tenant by the Act of 1870 was strictly dependent upon the

payment of rent. I entirely admit that principle. I think that is perfectly true, and I am bound to say that I look upon it as having been a fundamental condition. In equity it ought to be so; under all ordinary circumstances the interest of the tenant given him by that Act should be dependent upon the continuance of his performance of his part of the bargain. But are there to be no exceptions to this general principle? Will you hold rigidly to this, and under no exceptional circumstances, which fairly may be thought temporary, depart from it? I think that would be a hard line to take up.

My Lord, having said so much about what the Bill is not, I shall venture to direct attention to what I conceive the Bill to be. It is a Bill to provide for very extraordinary and very exceptional circumstances. The noble and learned Earl began his speech by saying he should direct the attention of the House to the facts which were relevant to the Bill; but then he went on to confine his attention solely to a certain class of facts, and he omitted wholly another class of facts which have a very important bearing on this question. Indeed, during the whole of this discussion I heard no allusion made to the peculiar circumstances and character of Irish holdings. In these circumstances, and in the character of these holdings, I find my own excuse for departing from the general principle in respect to the sacredness of contract. Various passages have been quoted from a pamphlet I published through the agency of the Cobden Club three or four years ago; but what I there said was intended to apply to farmers, being capitalists, who had entered into written or verbal contracts with their landlords; and, as applied to that class of men, I hold to every word which I then wrote. Have your Lordships fully realized the nature of the holdings with which you have to deal? At the passing of the Land Act, the whole holdings of Ireland numbered 600,000. They are now considerably reduced, being not much more than 575,000. Of these, what do you think is the proportion of what may be called the poor and almost cottier tenements? In Ireland there are no less than 300,000 holdings under £8 valuation, which may be taken at £10 or £12 rental. Now those tenants represent at least 1,500,000 people, all

of them nearly tenants at will and liable to eviction or ejectment from year to year. What is the value of their holdings? Under £8 valuation. The noble Marquess told us, last night, there were 174,000 holdings, not only under £8, but a great deal more than half of them were under £4 or £5 valuation. Now, just conceive the state of things you have to deal with there. There is no analogy in Scotland or England, or, I believe, in any part of the civilized world. It is nonsense to talk of these tenants as having made contracts in the same sense in which Scotch or English capitalists have made them. Still, it may be said, they hold by contract. What is the condition of these men as regards their agriculture? Here is a description given of it by Professor Baldwin, of Dublin—

“During the last 14 years I have been over thousands of them, and, taking a typical case, there will be a plot of potatoes, a plot of feeding roots, and the rest in indifferent pasture or herbage. The average would be more weeds than grass. There is no rotation of crops, no principle of cropping observed at all. The potatoes and oats are grown almost so long that the land is really tired of these crops, and hence the fearful extent of the disease in the potatoes which prevails in Ireland.”

**THE DUKE OF RICHMOND AND GORDON:** My Lords, I object to the noble Duke reading what I believe to be part of the evidence given before the Royal Commission on Agriculture, over which I have the honour to preside, and which has not yet reported.

**THE DUKE OF ARGYLL:** I think I have a perfect right to quote the paper by Professor Baldwin. It is not a disputable fact. Everybody knows it describes the general condition of the small tenant farmer in Ireland. [“No, no!”] I speak generally of the poorer class of tenants in the West of Ireland in the Schedules of this Bill. A very interesting pamphlet has been published within the last few days by Mr. Tuke, who assisted Mr. Forster in relieving the distress in 1847-8. He gives an account very much the same of the agriculture of these tenants. First of all, there is the permanent exception which places the West Coast of Ireland in a condition with which nothing in England or Scotland, or any part of the earth I know of, can compare; next, I must say, noble Lords opposite have treated very lightly and superficially the great question of

agricultural distress. We have had supervening on this permanent condition of a large part of the Irish tenantry three of the worst years that have been known in this century—1877-8-9. We know what the effect of those disastrous years was on the capitalized farmers of England and Scotland. We know how farms have been going a-begging, and how, in some parts of Scotland, a reduction has been made off the rent of 25, 30—aye, in some instances I have known as much as 50 per cent. If this be so, I must ask the House what must have been the effect of those years on the cottier tenantry of Ireland, with their lazy and ignorant cultivation? In Ireland we have an admirable system of agricultural statistics, which I wish we had in England and Scotland. I hold in my hand from an official source the average value of the potato crop during six years before the disastrous years 1871 to 1876; the average value of the potato crop in Ireland during those six years was £9,251,000. Now, what happened? The value of the potato crop in 1877 was less than the average by £3,989,000; in 1878 by £1,671,000; in 1879 it rose again to the enormous figure of £4,626,000; making a total direct loss in those three years to the tenantry of Ireland of a sum of £10,286,000. In addition to that you had a loss, especially in Connaught, of the wages of labour, on which many of the poor cottier tenantry almost entirely depend. That loss may be calculated at £250,000 in 1879 alone. Then there was a considerable deficiency in the oat crop; and, especially on the coast of Donegal, the fishery for several years had fallen off. During those three years, therefore, there had been a loss of £12,000,000 or £13,000,000, affecting the poor cottier tenantry of Ireland, and involving them in inevitable agricultural distress. The Land Act did establish for these poor cottier tenants an exceptional case. Unquestionably it was the intention of the Act that the tenantry of Ireland should have some compensation for capricious removal from their farms on the condition of the payment of rent. Would it be fair, on account of these exceptional years, to deprive them of their whole interest because they could not pay their rent? I am sure not one of your Lordships, who is an Irish landlord, would take advantage of such a state of things,

and eject his tenants on account of such circumstances. But, my Lords, there are some landlords in Ireland who might take advantage of such a state of things and who would evict their tenants without giving a single shilling of compensation. The Government had to consider this population of small tenants numbering 1,500,000, who were actually at the mercy of the landlords of Ireland. Now, it has been asked whether we know of any cases in which the landlords have taken advantage of this state of things. My noble Friend behind me (Earl Granville), in moving the second reading of this Bill, said it was a very delicate thing to mention such cases, because we might be holding up individuals to odium, and possibly to outrage. The House will feel, therefore, that the Members of the Government speak under great reserve of these matters; but I must say frankly that there have been some cases in which individual landlords have shown a disposition to make wholesale evictions for non-payment of rent, where that non-payment was clearly due to the failure of crops. There was one case which became public in the newspapers, and which I have, therefore, the less delicacy in mentioning. I do not know even the name of the landlord, but I rather think he was a purchaser under the Encumbered Estates Court. Before I mention this case in detail I wish to make a single observation with regard to a distinction sometimes drawn between landlords who have bought their estates in the Encumbered Estates Court and the hereditary proprietors of Ireland. My noble Friend the noble Marquess dwelt upon that distinction, and asked—"Are you really going to interfere with the operations of property in cases where the State has held out in a measure a State guarantee, has published a certain rental, and has induced capitalists to invest their capital on the strength of that statement?" Now, my Lords, I, for one, entirely deny that there is any greater sacredness of property due to this class of owners than to your Lordships, who may have held your estates for 300 or 400 years. I do not think the State gave these men any guarantee as to the social relations and condition of Ireland, which were perfectly known to all. These owners have the same rights as your Lordships have, and no more; and I entirely deny that

there is any greater sacredness of property in their case than in that of any other persons. Now, all the cases of inconsiderate evictions belong almost exclusively to this class of proprietors. And it is not to be wondered at. Having no old associations, no particular affection for the people, they do not carry on the traditions of the hereditary proprietors of Ireland. They have bought as an investment, and they are naturally disposed to carry the rights of property to the greatest extremity. The case I am about to mention shows the danger of the injudicious exercise of the rights of property. The place is called Curraroe, in the county of Galway. On the whole townland there were 89 tenants, with families numbering in the whole 515 souls. Their rent was £137 7s., or about 30s. each. They were of the smallest class of occupiers. There were 1,334 acres in the townland, of which 110 were arable, under crop. The whole stock of the farms consisted of only four horses, 110 cattle, 62 sheep, and 14 pigs. The total valuation of the stock and crop—everything—was £1,423, or about £2 15s. for every soul in the townland. One-twelfth of the acreage was arable. I think that was a case clearly in which the tenantry were so reduced, as you may see from the valuation of their stock and crop, that it was impossible they could pay their rent after the three years of the worst harvests we have had for a long period. In this case notices of eviction were served, I rather think, in the time of the late Government, but were enforced, or attempted to be enforced, by, I believe, only 20 men. There was a general resistance to the service of those ejectments; and since we came into Office the Irish Government had to reinforce the police in the place to the extent of 200 men. You had in that case at the mercy of the landowner a whole population of upwards of 500 souls, who, under the existing law, would have been evicted without one shilling of compensation, without one shilling to carry them to America, because they were evicted for non-payment of rent. What is the significance of these facts? They show that there is in Ireland, owing to accidental and purely exceptional circumstances, a danger of a very serious kind. You might in that case have great indignation excited which might raise very

serious disquiet among the Irish people. The noble Marquess (the Marquess of Waterford), one of the best resident landlords in Ireland, who addressed your Lordships for the first time last night in a speech to which we all listened with the highest admiration and respect, told us that he accepted the Land Act very willingly, and gave his testimony to the good effects of it. He said he had always practised on his own estate the principles laid down in the Act, and he looked upon it as an Act which would compel bad landlords to do what good landlords did of their own accord. My noble Friend (the Duke of Somerset) quoted a passage in which I condemned that principle as a guide to legislation. I condemn it still. But now may I not ask the noble Marquess, who spoke with so much candour last night, whether it might not be expedient in the interests of peace in Ireland to prevent such cases as those I have referred to, of persons exercising extreme rights of property under the extremely exceptional circumstances which have been proved to exist in the West of Ireland? That is the whole principle of the measure; there is no other principle in it. It is a temporary measure, to meet circumstances which I have proved out of documents to be exceptional. Now, with regard to another point, I quite agree with the noble Viscount who spoke last (Viscount Cranbrook) that the particular area over which this Bill is to extend is in a great measure a matter of detail. There has been some confusion to-night between the area of agricultural distress and the area of what may be called famine distress; and it has been constantly shown that, as far as regards the relaxation of the Poor Law, the area of famine distress has been now restricted so as to be practically extinct. But as for the agricultural area, it is impossible that the poor cottier who has been reduced to distress can have recovered himself within the last few months. Noble Lords opposite say that if we were to give relief to any particular part of the population of Ireland we ought to do so, not at the exclusive expense of the landowners, but partly also at the public cost. I admit that principle; but I must contend that the public have shown a disposition to help the landlords by very exceptional measures. First of all, you have loans

so cheap that a great landowner told me that the money was virtually given away. I feel sure that many noble Lords have taken advantage of those loans solely for the benevolent purpose of giving employment to their people; at the same time, when the money was to be had on ordinary conditions the loans were not so frequently accepted, while, when the terms were lowered by 1 per cent, there was a great rush of landowners to take possession of them. Again, the districts scheduled under the Act were many of them scheduled at the demand of the landlords themselves. I say that these are exceptional measures, and the public have shown an exceptional disposition to meet the wishes of the landlords. Then, look at the relaxation of the Poor Law. Can there be a more objectionable measure than the relaxation of those conditions which are necessary to prevent the Poor Law from becoming the greatest possible abuse? That relaxation was allowed in order that landowners might be able to put upon the rates every one of their small tenants who required relief. But is this no action on the part of Parliament to enable the landlords to meet their difficulties. Then take the third case of the Seed Potatoes Act, and bear in mind that the landlords themselves will, to a great extent, be benefited by it. This being so, as I have shown, why object to exceptional principles only when the extreme rights of property are suspended for a moment for an exceptional purpose? During the course of this debate we have had several suggestions as to the true way of dealing with the difficulties of the Irish people. We have had a suggestion from the noble Earl behind me (the Earl of Dunraven) that the State should undertake and assist the emigration of these poor people to America; and from the noble Marquess opposite (the Marquess of Waterford) that the State should endeavour to establish the manufacturing industries of Ireland. The State has assisted the landowners in three exceptional ways, and the landowners are never tired—and I do not blame them—of suggesting that the State should further assist them by other measures. I do not wish to exclude from the consideration of the Government any possible suggestion that may be made; but I believe in regard to emigration that,

though it may possibly be assisted by loans, the burdens of emigrating the poor tenants in Ireland, as in England and Scotland, must fall mainly on the landlords. At one time part of Scotland was in an equally distressed condition, though we never had to deal with political distemper, but always with an amiable, an affectionate, and law-abiding people; but we have always had to assist the emigration of the Highland population to Canada, and it has been done with the best results. The same may, perhaps, be done in Ireland. I do not deny that the small cottier tenancies are in a most unwholesome condition, and I believe there will be no permanent prosperity in Ireland unless they to some extent consolidate their holdings. All will agree with me, however, that the whole penalty for a state of things dating back from many centuries—a condition of things in which the landowners have been to blame, and the tenantry to blame, and the British Parliament to blame—ought not to be visited upon the present generation of the cottier class. But the whole of the penalties would be visited upon them if they were thrown on the poor rates or evicted from their holdings, with no alternative, and had no means of emigration at hand. These are the conditions in which Her Majesty's Government have thought it well to bring in this Bill. They mean it to relieve an exceptional calamity, and to prevent that calamity from being made a source of dangerous political agitation. This brings me to one of the last points with which I shall trouble the House. It is the relation between this Bill and the land agitation in Ireland. Almost every noble Lord who has spoken from the opposite side of the House has tried to enlist the fears, and the prejudices, and the just indignation, felt against that agitation, and to point it against this Bill. No one who has watched the progress of the Bill through the other House—who remembers the declarations of the Government, and the limitations with which the Bill was guarded, can think that that agitation influenced their views. The Bill will affect, in by far the greater number of instances, the smallest cottier class, and it was so carefully framed that there was no danger of its sanctioning a principle to be adopted in permanent legislation.

*The Duke of Argyll*

Look at the violent attacks made in the other House of Parliament in order to do away with those limitations, and your Lordships will understand the significance they have in this point of view. The limitation of area to particular parts of Ireland, especially including the Western coasts; the limitation of a Bill to certain districts admitted by Parliament to be the centres of agricultural distress, although not of famine; the limitation to a very small class of tenantry, including the far larger proportion of the cottier tenantry—all these limitations are essential parts of the principles of this Bill, and they make it impossible for any man to say that Parliament is sanctioning, or has sanctioned, the extension of those principles as permanent principles of legislation. All the attempts of Mr. Parnell were resisted by the Government and defeated by overwhelming majorities of the House of Commons, and the Bill comes to your Lordships having all these limitations in it, which you may, if you like, carry further in the Committee of this House. I will appeal to the House whether, in view of this agitation, the rejection of this Bill will not add fuel to the flame. It is perfectly true that there is a very small minority of landowners who are dealing harshly or inconsiderately with their tenants; but if only one or two cases occur, such as I have mentioned, they will be quoted by these mischievous agitators as if they were illustrations of the ordinary operation of the existing law. I cannot for a moment doubt that if it were possible to prevent such cases it would be a great blow to agitators in Ireland. There is one practical point on which there has been great misapprehension. The noble and learned Earl who spoke to-night (Earl Cairns) passed over this point so lightly that I could not help suspecting it to be one of the many artifices of his rhetoric. He said he would not dwell on the argument that this Bill was intended to prevent evictions. Of course, it is intended somewhat to limit their number; but it certainly is not intended to prevent them in all cases. There is a great deal of misunderstanding as to the extent to which the Bill can prevent them. This Bill does not prevent a landlord from evicting for non-payment of rent; but it places it in the power of the Court to impose a fine on the operation, and to give to the

evicted tenant the statutory scale of compensation. Suppose, as was represented, a tenant who should impose on the Court by falsely representing that he was unable to pay his rent—say £10. The Act requires him to prove that his inability to pay is solely due to the late failure of crops. Even supposing that he succeeds in deceiving the Judge, he would have a chance, in extreme cases, of getting £70 and being turned out of his holding. Was it reasonable to believe that, for the sake of some £60 or £70 compensation, he would run the risk of being evicted from his holding in case he escaped detection for falsehood? You think that a great temptation to such men. ["Hear!"] I am glad to hear it. If a large number of cottier tenants in Ireland are willing to forego their holdings, the landlord will have easy work of it in the consolidation of their farms. [*Laughter.*] The noble and learned Lord laughs; but with my experience in Scotland, where we have had to emigrate a very considerable number of poor cottier tenants, we were obliged to give larger sums than that for the conveyance of themselves and their families. But the tenantry of Ireland have such a love of their homes that they would submit to anything rather than be detached from the spot where they are brought up. As an illustration of the tenacity with which they cling to their possessions, I have some evidence here which is very curious, and almost incredible. Here is the case of a tenant who paid £5 a-year of rent, paying £125 for the goodwill of his farm; another tenant paying 7s. 6d. of rent who paid £90 for the goodwill of his farm, and a third paying 10s. of rent who paid £80 for the goodwill of his farm. Now, that was a measure of the tenacity with which the Irish tenant holds to the soil—a tenacity which I will venture to call irrational as well as unhealthy, and I am convinced that he will never run the risk of losing his holding on the chance of obtaining a sum of £50 or £60. I wish to say a few words with regard to the future of Ireland. In the family which has been referred to by my noble Friend I find this curious story told. The narrator of it was visiting one of the cottier tenants in Connaught who paid a rent of £6. He had no cow, no calf, no ewe, nor lamb, but he had a loom, and was sitting upon it; but there was no wool

and no warp in it, and he was mechanically moving the frame backwards and forwards. When I read that the night before last, I could not help asking myself—Is this a real story or an allegory? Are we in the condition of this poor weaver? Are we moving backward and forward the framework of our laws for Ireland to no purpose and in vain? Are we for ever working at an empty loom and driving an empty shuttle? Has there been no result from all the attempts of Parliament to remedy the grievances of the Irish people? I can well understand that many of us can have a feeling of despair when every few years we have a recurrence of these miserable agitations, when we have the same difficulty and are dealing with the same miseries of the Irish people. But I rejoice to feel a firm confidence that this sense of occasional despair would now be unwise and irrational. Mr. Tuke, in his pamphlet, gives many evidences of a great change for the better in the material condition of the people. Where, 30 years ago, misery and want prevailed, he now finds busy market places and a happy and industrious population. By carefully making the law just and merciful, under all the circumstances of the case, may we not hope that the whole Island will be as happy and as prosperous as a large portion of it now is? I should deeply regret it were this House to deprive the Government of an assistance which I believe will be valuable in resisting agitation, and in enabling us to enforce the law with a better conscience than we can at present. But I will say this also—that, whatever may be the decision of this House, it will be our duty to do the best we can to uphold the existing law, whatever it may be, throughout the whole of Ireland.

THE EARL OF BEACONSFIELD: My Lords, the measure we are called upon to consider to-night, and the second reading of which has been moved by the noble Earl, is very brief in its terms. It consists of only three clauses; but they are clauses which, in their consideration, require some recurrence to the past, some deep attention to the urgent present, and scarcely can be touched upon without some speculation upon the consequences to which, if the Bill is adopted, they will lead. My Lords, the origin of the question of landlord and tenant in Ireland in modern days was

the famous Devon Commission. In the Report of that Commission, drawn up by men admirably qualified for their office, and one of the most valuable Reports which was ever presented to the consideration of Parliament—in that great source of information on a question the most complicated probably of the public questions that can engage the attention of the Legislature, all the information which, during subsequent years, astonished, alarmed, and engaged the attention of the country, was furnished, and is to be found. From the moment the Report of the Devon Commission was presented to Parliament for its consideration, there was a general feeling among the public men of both the great Parties of the State that the subject was one which would require legislation, and that legislation of a comprehensive and most careful character. To effect the improvements of the condition of the Irish people there laid down as necessary, and, at the same time, to reconcile any changes that might be deemed expedient with that respect for the rights of property which all wise men know is the main basis of liberty and civilization, were questions which engaged the attention of the late and the present generation. Some delay may have occurred in coming to any general conclusions on the matter; but that delay may have been occasioned by the difficulty and vastness of the questions which had to be considered; and no doubt, by that system of Party government in this country among whose many advantages may be accounted certainly not this—that it often leads to delay in the settlement of affairs of an exigent nature. But I may remind your Lordships that so early as the year 1852, after some attempts had been made—but not of a very large character—to legislate for the state of Ireland, founded on the conclusions recommended by the Devon Commission, a Government was formed in this country, of which I had the honour to be a Member, which resolved to deal with this question, and, if possible, to grapple with it. I always read quotations from *Hansard* with regret; but the quotation to which I am about to refer is not long; it offers no opinion, but, at the same time, it expresses, in so condensed a form, the situation of the question of the state of Ireland with respect to the Devon Commission that I hope your Lordships will

permit me to read it. These remarks were made in the discussion of the Land Bill of 1870, introduced into the House of Commons. In 1852, and in the preceding year, legislation had been proposed for the purpose of remedying that state of society on which the noble Duke has dilated with so much force and at such length. [The Duke of ARGYLL: Not three hours.] I said—

“Now, Sir, let me remind the House of what they have probably forgotten—namely, what was proposed in reference to this subject by the Government of 1852, with which I had the honour to be connected. We laid upon the Table of the House four Bills, forming a complete code as regards the land of Ireland. I can describe those four Bills in a sentence. They adopted every recommendation of the Devon Commission. Sir, if those Bills had passed we should not now have been discussing the measure of the right hon. Gentleman opposite. Circumstances, however, occurred which prevented these Bills from passing. There was a change of Government. Yet, in the interval that elapsed between the end of 1852 and the year 1860, what occurred with regard to legislation in respect of the land of Ireland? Every provision of these four Bills, with one vital exception, passed piecemeal during that interval. The limited owner was invested with power to make improvements, and to charge them upon the inheritance. That was a leading principle in one of the four Bills which I have said were laid upon the Table. Before two years it was passed. The leasing powers of the Irish proprietor generally were proposed to be extended. That was passed. The limited owner was permitted to enter into contracts with the tenant. That was passed. A consolidation and code of all the laws relating to landlord and tenant in Ireland was successfully passed by Sir Joseph Napier, although in Opposition, in 1860; and that code and consolidation includes many valuable amendments of the law. The particular Bill which we brought forward in 1852, which would have regulated the relations between landlord and tenant in Ireland, was referred, after the fall of our Government, to a Select Committee. The labours of that Select Committee I will not dwell upon, because it would weary the House, and time will not permit. They experienced various complications and many strange vicissitudes; but this was the result—every provision in the Bill that we brought forward to regulate the relations of landlord and tenant in Ireland was adopted by that Committee, with one vital exception, and a Bill was at last passed in 1860 to regulate those relations, with the omission of what I consider to be a vital clause in the Bill of 1852—namely, that which gave compensation to the tenant for improvements, and retrospective compensation.”—[*3 Hansard*, cxcix. 1810-11.]

I will not read further; but I do not think, after what I have just read, that the noble Duke was justified in giving us a description of the condition of Ire-

land which may be found really in the pages of the Report of the Devon Commission, made between 40 and 50 years ago, while he gives no credit whatever for the series of legislative measures previous to 1870 to which I have adverted. There is no doubt that there has been a great improvement in the condition of the people of Ireland since that time. There has been, no doubt, the occasional and unhappy recurrence of famine—but this has resulted from bad harvests and a variable climate. And then the noble Duke, with some inconsistency, after having dilated upon the picture of a miserable condition of Ireland—which is a picture of its condition more than 40 years ago—terminates his speech by a description of its buoyant prosperity which certainly we have a right to suppose has been consequent upon the legislation of the British Parliament. The House is apt to forget these things. We live in an age so rapid that we have got into a habit of forgetting what took place as recently as five years ago; and the Devon Commission, which is a most important Parliamentary event, and which has had the greatest influence upon the relations between landlord and tenant, and the general welfare of the Empire, is probably known to few and forgotten by many. It was in 1870 that the Land Act was introduced in the House of Commons by the present Prime Minister. What was our conduct in Opposition upon that occasion? From the speeches of the noble Duke, and other noble Lords who have addressed the House, you would suppose the Tory Party had never made the slightest effort to improve the condition of the people of Ireland. You would suppose that they had listened in mute silence, or shown active opposition, to every proposal which ever had been made on the subject, and that these proposals had only been made by Her Majesty's present Government. On the contrary, I wish Parliament to remember that we ourselves in 1852 brought forward four Bills that would have formed a complete Code for Ireland, founded upon the recommendations of the Devon Commission—that not one single recommendation of that Commission was omitted—that the course of legislation which afterwards brought about the same result as was then contemplated, though we had not the honour of

initiating it, was universally supported by the Tory Party—and, lastly, that every improvement in the relations of landlord and tenant in Ireland that has taken place has been assisted by their Parliamentary support and vote. What was our position when the Land Act of 1870 was brought in? Why, my Lords, we might with a very clear conscience, have said—"Our opinions are upon record upon the subject of the relations between landlord and tenant in Ireland; we have agreed to the recommendations of the Devon Commission, the highest authority upon the subject, and those recommendations have by our means, and with our assent, been universally adopted. This Bill of 1870 which you bring in is one which appears to us to be unnecessary, when you have not rested a sufficient time to allow the great changes that have been passed to mature and bear those fruits which the country expect;" and we might, if necessary, have plausibly opposed the Bill. But your Lordships will find that that was not the course which we took in Opposition. On the contrary, though there were many provisions in the Act of 1870 which we disapproved, the general policy of that Act was in harmony with the policy which we had always supported, and we consented to the second reading of the Bill without opposition. It is very true that in Committee we endeavoured to enforce those views which the Government had not adopted—or rather the rejection of those opinions which the Government ought not, according to our view, to have adopted; and it is true that a change was made in your Lordships' House—as I think a very salutary change—but it is upon record that the Bill of 1870 was carried in the House of Commons without any resistance on the occasion of the second reading. Though there were provisions to which we had objection, still we were perfectly prepared—and upon that opinion we have always acted—to accept the Bill as a final and conclusive settlement, believing that its final and conclusive character was one of its excellencies. The great object of all this legislation was to produce in Ireland that degree of tranquillity which would encourage the flow of capital from England and Scotland. Well, I believe that it did have a considerable effect in inducing the introduction of new capital;



and I am not prepared to say myself at the present moment that there is any portion of the Act of 1870 which I would wish now to be altered. But it is to be altered. We have this short Bill put on the Table. Now, when I read this Bill, I find in it three proposals. I object to these three proposals. My first objection is because it imposes a burden upon a specific class; it acknowledges that it has to deal with a national misfortune, and then—I think most illogically and most unwisely—it proceeds to say that the means by which it will try to remedy the unexpected evils that have occurred shall be means which shall be furnished by only one class in Ireland, and that class not a numerous class, and, above all, a class that is suffering as well as the rest of the population. The second objection to this Bill is that it introduces insecurity into all transactions; and the third objection which I have is that it appoints a public functionary to whom it delegates the extraordinary power of fixing the rents of the country. Now, these are three objections which appear upon the face of the Bill, and which I think all must acknowledge—even those who may ultimately support the measure—to require considerable explanation and considerable hesitation before such proposals can be adopted. They are violations of those principles of public policy which now have been recognized, practised, and pursued by Parliament for half-a-century. And the reasons which are given—the precedents which are alleged—in order to justify this unusual course—appear to me to be weak and entirely unsatisfactory. One of the great faults of those three proposals of the Government is this—that while they pretend to be of a temporary nature, they are essentially, from their character, regulations that must become permanent. And all the precedents which they allege in order to justify this irregular and unusual measure refer to circumstances which are essentially and necessarily of a temporary character. The Seeds Bill, to which the noble Duke alluded, is shown by its very name to be one of a temporary nature. Seed time comes but once a-year, and you know very well that although you may provide seed for one year, if you make no other provision the law is temporary. Again, the extension of relief outside of the work-

house, to which the noble Duke also referred, is a temporary measure, because it is perfectly clear that the country will not submit to an extension of a law of that description the moment the circumstances which forced you to adopt it have changed. And with regard to the third proposal—as to advances of money for a certain time at a certain rate of interest—that is a system which has long prevailed in this country, and we know very well that the capital thus advanced is duly returned to the Treasury, and every year you see the amounts which have been so returned after payment of the interest to the State. Therefore, the three precedents which have been brought forward are no vindication of the proposals with which we are now dealing. Well, my Lords, this question naturally arises. You having introduced a Bill which contradicts all those principles of political and public economy of which you have hitherto been the avowed champions in the State, what is the reason you allege for doing so? What is the cause of the introduction of this measure? Now, it is a most remarkable circumstance that the cause alleged is certainly, were it a true cause, one which, no doubt, must affect the feelings and opinions, perhaps, of many. We are told, and we are told by an authority that cannot be well exceeded, that this measure—which, though slight in form and brief in matter, is one which avowedly interferes with the rights of property—is brought forward in consequence of the fear which the Government have that if not passed we shall have, perhaps, to encounter civil war in Ireland. My Lords, I must say there is no Member of your Lordships' House who would view the occurrence of any events in Ireland of that character with more profound sorrow than myself. These are not words of form. I was a Member of a Government that had to encounter something like civil war in Ireland, and therefore I have some acquaintance with the feelings of responsibility which, under such circumstances, an individual would be subject to. I am sure, had it not been for the firmness of the noble Duke (the Duke of Abercorn), who was then Viceroy in Ireland, the great resources and courage of the ever-lamented Lord Mayo, and—though he is present, I cannot refrain from saying it, because justice requires it—had it

not been for the ceaseless vigilance of my right hon. Friend behind me, the noble Viscount (Viscount Cranbrook) who was then Secretary of State, it is possible very great evils might have occurred. My Lords, that insurrection, supported by a powerful and unprincipled foreign conspiracy, failed. It failed, and it terminated, at the same time, by an exercise of clemency on the part of the Sovereign of this country which, under similar circumstances, has never been exceeded or equalled. But, my Lords, if you ask me whether I could consent, for the sake of preventing disturbance of that kind in Ireland, to sacrifice the eternal principles of justice, I should, under these circumstances, be prepared to say, "I will not make that sacrifice." And I believe that if civil war or any disturbance of that kind can only be prevented by the Ministers of this country devising strange and fantastic schemes—which not only interfere with and invade the rights of property, but which lead, in my mind, to the very evil which they wish to prevent, and excite the multitude to the very catastrophe which they hold up to us as a warning—I should resist such a policy. But, my Lords, it is a very strange thing that when we hear accounts given us that the country—that a part of the United Kingdom—is in such a state that if this Bill is not passed by Parliament, we must be prepared in a time—in a measurable time—for civil war, we have no evidence of this desperate state of things. What evidence has been given to Parliament of the possibility of such a fearful state of affairs? We have not been led to believe that such a state of things was possible by the conduct of Her Majesty's Government. When they advised Her Majesty to address her Parliament at the beginning of the Session, they put remarkable words into Her Majesty's Speech. The passage has been read, and, therefore, I will decline to read it now; but I call your Lordships' attention to this particular expression—"But while determined to fulfil this sacred obligation"—which was to provide for the safety of the lives and property of Her Majesty's subjects—

"I am persuaded that the loyalty and the good sense of my Irish subjects will justify me in relying on the provisions of the ordinary law, firmly administered, for the maintenance of peace and order."

Now, that is a very peculiar expression—"ordinary law." I do not remember ever having met it before in a Royal Speech—and, therefore, there was nothing in the Royal Speech which, for a moment, would lead the people of this country to suppose that such a catastrophe as civil war in Ireland was possible. Well, what happened afterwards? The opening of Parliament took place on the 12th May. The Government had an opportunity of intimating the fearful state of affairs in that country. They introduced a Bill for Irish relief—but there was no indication whatever of this Bill. They advised Her Majesty to issue a Commission to inquire into the Land Laws so lately as the 11th June. Yet all this time elapsed, and the poor people of Great Britain had not the slightest idea of the danger they were in—not the slightest conception of it—for they were assured by the Sovereign that the provisions of "the ordinary law" were all that Her Majesty required to defend their lives and property. When they heard of so innocent an affair as a Royal Commission to inquire into the Land Laws, not the slightest communication was made to Parliament respecting the imminence of civil war. That is not the way in which Parliament should be treated. In, I think, the year 1871—the year after the famous Land Act passed—the present Secretary of State for India, then Chief Secretary for Ireland, came down to the House of Commons and gave a most fearful account of the state of Ireland, and proposed that there should be a Secret Committee to inquire into its condition. It is very true that the House ultimately resisted the Secret Committee, and insisted that its proceedings should be open; but that did not at all alter the previous declaration of the Government that the revelations made to the Committee were of a nature that ought to be secret. Why have we no Committee if we are within a measurable distance of civil war in Ireland? Why have we not had communications made to Parliament of this threatened civil war in Ireland? I think even the present House of Commons would have acceded to a Secret Committee under such circumstances. But neither the House of Commons nor your Lordships' House has had the slightest intimation of such peril, and it is only when this measure is brought forward—origin-

ally introduced as a clause in a Bill of charity—that you are informed by the Prime Minister you are within a measurable distance of civil war. My Lords, I believe it is possible there may be disturbance in Ireland, and for this reason—because you have proposed this Bill; whether it be adopted or whether it is rejected, it is a measure calculated to excite the minds of an imaginative people; and if the distress, which I trust may be declining, proceeds in that country, I think it is not impossible that in consequence of the very measures brought forward to avoid civil conflict you may find yourselves involved in trouble and disaster. There is one feature about the present agitation in Ireland which is most repulsive, and, I think, most dangerous. Agitation in Ireland is not a novel subject. During the last generation and the present it has been extremely active. It has taken many forms. It has been led by men of different characters and idiosyncrasies. It has taken the form of Repeal; it has taken the form of Fenianism; it has taken the form of Home Rule; and you may observe that all these movements had over them a varnish, no doubt a mere varnish, of what may be called generous feeling. Even a Fenian was a patriot, or thought he was. When you had to encounter disaffection founded upon such transitory and superficial feeling the Government had a great advantage. The occurrence of material prosperity generally terminated the most active campaign for Repeal or for Home Rule. But if the present agitation is fostered in Ireland, and I believe “this unhappy measure”—to adopt as classical the description which one of its chief supporters gave of it—will have that effect—if, I say, this agitation is fostered by the Government, it is one which will not easily terminate, because it is an agitation addressed to the most sordid character of the Irish people, not to the romantic or imaginative, but, as the noble Marquess (the Marquess of Lansdowne), who addressed us with so much power, so well expressed it, “to the sordid instincts” of the people. An agitation conducted by men who have been taught to believe that the property of others ought to belong to them, and that if they exert themselves must belong to them—an agitation conducted in such a spirit, and for such a result, is one which Her

Majesty's Government will find more difficult to deal with than the agitation of previous years. The noble Duke who has just addressed us (the Duke of Argyll) takes a different view of these affairs. The noble Duke appears to have studied the condition of the Irish people. He has given an interesting narrative to the House—though I am sure he is aware he made no statement which had not been made before, and adduced no facts with which the public mind was not familiar. If, however, I had entered the House at the time, I should not have guessed what was the object of the debate from the speech of the noble Duke. We are all agreed that the condition of Ireland is in some respects pitiable, and that the policy of England should be to elevate the condition of the Irish people. But we believe, also, that for the last 50 years, with almost a continuous effort, that has been the policy of England, pursued by both the great Parties of the State. But I could gather from the arguments of the noble Duke no inference of that nature. The noble Duke said that there was extraordinary agricultural distress in Ireland. Well, it is possible there is. We will admit it. But I cannot understand that the best way of alleviating agricultural distress is by plundering the landlords. The noble Duke brought before the House a subject with which I think he should have dealt either with more reserve or with more frankness, and that was the argument for the necessity of the measure in consequence of there being bad landlords in Ireland—hard, heartless, tyrannical, and cruel. He should have been prepared either to give a detailed statement on that subject, to allege facts, to describe owners, to give names, or I think he should have left the matter alone. Here we are to-night, and the noble Duke tells us there are 178,000 cottier tenants in Ireland, and then he says—“Will you place these men at the mercy of a person who does so-and-so?” I did not catch the name of the person; I do not think the name was given; but the single instance of a bad landlord—and that an anonymous one—is supposed to affect the condition of 178,000 cottiers. There is no proportion between the case alleged by the noble Duke and the remedy he recommends. I know he would not shrink in his view of public duty from making any statement

on the subject. The noble Duke commenced his speech by saying that he was going to charge like the "Six Hundred of Crimean fame." If he had been one of the Six Hundred at Balaclava I have no doubt he would have maintained his reputation for courage. I thought he had got in his mind another Six Hundred connected with a place, which, at least, resembles Balaclava in its initial letter. I have now mentioned some of the reasons which induce me to believe that this is a measure which it was unwise on the part of the Government to bring forward, and why I am anxious that the Bill should be rejected. I have shown that the question of the government of Ireland, and of the relations between the landlords and tenants of Ireland, never were, never ought to have been, and I trust never will be, Party questions. I was, therefore, rejoiced to find that it was not left merely to the regular Opposition, whose motives might be—as they always are—misconstrued, to challenge the opinion of your Lordships on this grave subject. Notice was given to move the rejection of the Bill by one who bears an illustrious name, and we learn, from those means of information open to all, that the noble Earl did not stand alone, but that he had some, perhaps many, political friends who sympathized with him. If the Motion of the noble Earl for the rejection of the Bill had been one of which the tendency was in any degree to arrest that great policy, which now for 40 years has been supported by Parliament, with respect to the relations of landlord and tenant in Ireland, I certainly should not have supported it. But brought forward as it is, I feel it is my duty to do so, and that the views of myself and my friends on this subject ought not to be misunderstood. I confess myself that there is one more reason which makes me anxious that this Bill should be rejected, and that is the mode in which it has been introduced to the notice of the country and of Parliament. There have been rumours, ambiguous voices, circulated about for a considerable time, that some large measure was about to be introduced, or would be in due time, which would affect the Constitutional position of the landed interest in our form of Government. Sometimes it was to be a great measure for Ireland; sometimes we were as-

sured upon authority—though not the highest—that England would not escape the careful consideration of Her Majesty's Ministers. Upon every occasion there have always been some of their many supporters in Parliament who have exulted at the introduction of such a Bill, and who have announced, not only their hope, but their conviction, that the Ministers next year would deal in the same spirit, but in a far larger way, with the question of land in England. A Gentleman, the other day, was summoned to one of the greatest honours of the State—to be a Member of Her Majesty's Privy Council—he, himself, a distinguished Member of Parliament, and once a Member of the Administration; and, after he had taken his seat at the Board accordingly, he went to another Board—to a political dinner, presided over by no less a personage than the Lord President of the Council, and here the new Privy Councillor, in language of the most inflammatory character, denounced the landed interest, denounced the landlords of England, and said that what they call the Liberals had got a majority of the Cabinet in their favour, and next year there would be a complete revolution of the Land Laws of England. The Lord President of the Council on that occasion did not reply to his right hon. Friend; and, so far as we can judge, the views of his right hon. Friend had the moral support certainly of his presence, and, as we fear, of his convictions. I know well there is a Party hostile, and avowedly hostile, to that Constitutional position which in our system of Government had been accorded to the landed interest. They are men who would sooner see a Government established by the application of abstract principles than resting upon the influence of tradition and upon the fitness that results from experience. I do not believe this is a numerous Party, but it is an intellectual Party. It is intelligent and persevering, and it is actuated by that enthusiasm which novelty inspires, and by all that energy which, I believe, is characteristic of minorities. This is the first time in the history of England that the Leaders of such a Party have found a seat in the Councils of the Queen. My Lords, I look upon this Bill as being what military men would call a reconnaissance in force. It is a reconnaissance in force to see what is the feeling of Parliament and

of the people of England upon the present tenure of land in England and upon the Constitutional position in our system of government of the landed interest. It has been a most effective reconnaissance, though I cannot say it has been a very successful one. If they wished to know what is the opinion of the colossal majority of 170 in the House of Commons, gained at the last General Election, with regard to this subject, they have learned that two-thirds of that majority on that occasion either kept away or voted against them. They have learned also that the Bill has been sent up to this House by a majority consisting merely of that section of the Members of the House of Commons who treat the Bill itself avowedly with contempt, and who, with gratuitous candour, tell us they only adopt it because they consider it merely as a step to assist them in the transference of the soil from the legal possessor to the casual occupier. I know well that it is difficult to persuade some minds that the opinions which are now circulated with great confidence are opinions that ought to be resisted by all those who love the greatness and the glory of their country. There is, at the present day, too great a tendency to believe that it is impossible to resist the progress of a new idea. There is a fashionable phrase now that everything is inevitable, and that every event is the production of a commanding force of Nature which human will cannot resist. The despotism of public opinion is in everybody's mouth. But I should like to know, when we are called upon to bow to this public opinion, who will define public opinion. My Lords, any human conclusion that is arrived at with adequate knowledge and with sufficient thought is entitled to respect, and the public opinion of a great nation under such conditions is irresistible, and ought to be so. But what we call public opinion is generally public sentiment. We who live in this busy age and in this busy country know very well how few there are who can obtain even the knowledge necessary for the comprehension of high political subjects, and how much fewer there are who, having obtained that knowledge, can supply the thought which would mature it into opinion. No, my Lords, it is public sentiment, not public opinion, and frequently it is public passion. My Lords, you are

now called upon to legislate is a heedless spirit, by false representations of what is called the public mind. This Bill is only the first in a series, the result of which will be to change the character of this country and of the Constitution of this country. The argument that you cannot stop upon this ground, urged by my noble and learned Friend (Earl Cairns), has never been answered. If you intend to stop upon it you were not justified in making this proposition. The proposition is one, I think, most dangerous to the country, and I trust your Lordships will this night reject it. If you do that you will do a deed for which your country will be grateful, and of which your posterity will be proud.

EARL GRANVILLE: My Lords, if your Lordships will permit me to make a few observations on the debate which is now about to close, I shall not try your Lordships' patience for more than a very few minutes. The noble and learned Earl who began the debate this evening said that he should discard all strong words and exaggerations. It is just possible he may have left the strong words to his late Colleague, the former Secretary of State for War. The noble Earl who has just sat down was, as was natural, cheered repeatedly by his supporters, who owe him so much; but there was one part of his speech which was received with no audible signs of acquiescence, when, in language of a rather rhetorical and exaggerated character, he pointed out that it was absolutely necessary that we should prove that we were actually on the brink of civil war because we asked for an exceptional measure to avoid our being obliged to meet this period of distress, accompanied by a certain amount of disorder, with various irritating measures. The noble Earl stated that the Land Act of 1870 was entirely in unison with Tory principles and supported entirely by Tory votes. All I can say is, that the noble Earl ought to have educated some of his friends a little earlier than he did. His observations have not been those of old Conservatives, and even his own Chief Secretary for Ireland, Mr. J. Lowther, has missed no opportunity, in or out of Parliament, of denouncing in the strongest manner the revolutionary character of the Land Act of 1870. The noble and learned Earl who resumed the debate this evening did not, for-

unately for the House, confine himself, as he had promised, to facts and figures, but enlivened his three hours' speech with a liberal allowance of arguments and inferences. The noble and learned Earl tried to throw something like ridicule on the figures which I had quoted on the previous evening, by saying that the number of evictions in the scheduled districts was less than in the unscheduled. This was not the case, although from the manner in which the noble and learned Lord manipulated his figures it might have appeared so. His comparison of the scheduled and unscheduled districts induces me to contribute a few facts and figures to the debate. I find by the very latest official Returns, issued a couple of days ago, that in 1877 there were in the unscheduled districts only 58 evictions, while in the scheduled districts there were 203. These figures in the following year had increased to 92 and 516 respectively. In the next year the numbers in the unscheduled counties were 215, while in the scheduled counties they rose to 668. That was in 1879; and we now come to the half-year of 1880, when I find they fell from 215 to 203 in the unscheduled counties; whereas in the scheduled counties they increased to 792, all of them being evictions for non-payment of rent.

EARL CAIRNS said, those figures did not agree with those he had taken from the latest Returns forwarded by the Government with regard to the Provinces of Munster and Connaught, which might be regarded as constituting the scheduled portion of Ireland.

EARL GRANVILLE: Here, in this Return, I have the counties given one by one, and the Return is the very latest we have been able to procure. I would now observe that I think it would have been idle for me to have stated in my opening speech what the Government would or would not do if your Lordships went into Committee on this Bill; but I think it now only respectful to the House, and due to the Government, to say that if we go into Committee on the Bill we shall do so with the most entire determination not to resist any Amendment which could be shown not to be calculated to have the effect of destroying the practical results which we hope to obtain. As to the remarks which have been made about the County Court Judges, I would remark that, in my opi-

nion, they are perfectly competent to discharge the duties with which they are intrusted under the Bill. I can admit that if your Lordships throw out this Bill a very great responsibility will lie upon the Government as to what course they should take; but I cannot refrain from throwing a very considerable amount of responsibility on your Lordships' House if you conscientiously come to a decision adverse to a Bill which Her Majesty's Government believe would have a very good moral effect upon landlords and tenants alike.

On Question, That ("now") stand part of the Motion (leave being given to the Lord Grinstead (the Earl of Enniskillen) to vote in the House)? Their Lordships *divided*:—Contents 51; Not-Contents 282: Majority 231.

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Ellesmere, E.	Doneraile, V.	De Freyne, L.	Plunket, L.
Ferrers, E.	Gough, V.	Delamere, L.	Poltimore, L.
Feverham, E.	Hardinge, V.	De L'Isle and Dudley, L.	Ranfurly, L. ( <i>E. Ranfurly.</i> )
Fitzwilliam, E.	Hawarden, V. [ <i>Teller.</i> ]	De Mauley, L.	Rayleigh, L.
Fortescue, E.	Hereford, V.	Denman, L.	Rodney, L.
Gainsborough, E.	Hill, V.	de Ros, L.	Romilly, L.
Graham, E. ( <i>D. Montrose.</i> )	Hood, V.	De Saumarez, L.	Rossmore, L.
Grey, E.	Hutchinson, V. ( <i>E. Donoughmore.</i> )	Digby, L.	Rowton, L.
Haddington, E.	Lifford, V.	Dinevor, L.	Salterford, L. ( <i>E. Courtown.</i> )
Hardwicke, E.	Lifford, V.	Donington, L.	Saltoun, L.
Harewood, E.	Melville, V.	Dormer, L.	Sandys, L.
Harrington, E.	Sherbrooke, V.	Dunboyne, L.	Scarsdale, L.
Harrowby, E.	St. Vincent, V.	Dunsandle and Clanconal, L.	Shute, L. ( <i>V. Barrington.</i> )
Howe, E.	Strathallan, V.	Dunsany, L.	Silchester, L. ( <i>E. Longford.</i> )
Ilchester, E.	Templetown, V.	Ellenborough, L.	Somerhill, L. ( <i>M. Clanricarde.</i> )
Jersey, E.	Peterborough, L. Bp.	Fitzhardinge, L.	
Lanesborough, E.	St. Albans, L. Bp.	Foley, L.	
Lathom, E. [ <i>Teller.</i> ]	St. David's, L. Bp.	Forbes, L.	
Lindsey, E.		Foxford, L. ( <i>E. Lime- rick.</i> )	
Lovelace, E.	Abinger, L.	Gage, L. ( <i>V. Gage.</i> )	
Lucan, E.	Airey, L.	Gerard, L.	
Macclesfield, E.	Alington, L.		
Mansfield, E.	Amherst, L. ( <i>V. Holmesdale.</i> )		
Manvers, E.	Annaly, L.		
Minto, E.	Artilaun, L.		
Morton, E.	Arundell of Wardour, L.		
Mount Cashell, E.	Ashburton, L.		
Mount Edgcumbe, E.			
Nelson, E.			

Somerton, L. (*E. Nor-*  
*manton.*) Vaux of Harrowden,  
 L.  
 Stanley of Alderley, L. Ventry, L.  
 Stewart of Garlies, L. Vernon, L.  
 (*E. Galloway.*) Vivian, L.  
 St. John of Bletso, L. Walsingham, L.  
 Saint Leonards, L. Wentworth, L.  
 Stratheden and Camp- Willoughby de Broke,  
 bell, L. L.  
 Strathnairn, L. Wimborne, L.  
 Suffield, L. Windsor, L.  
 Talbot de Malahide, L. Winmarleigh, L.  
 Templemore, L. Worlingham, L. (*E.*  
 Tollemache, L. *Gosford.*)  
 Tredegar, L. Wynford, L.  
 Trevor, L. Zouche of Haryng-  
 Tyrone, L. (*M. Water-*  
*ford.*) worth, L.

*Resolved in the Negative: and Bill to  
 be read 2<sup>a</sup> on this day three months.*

House adjourned at a quarter before  
 Two o'clock A.M. to Thursday  
 next, a quarter before  
 Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, 3rd August, 1880.*

The House met at Two of the clock.

MINUTES.] — SELECT COMMITTEE — *Report* —  
 London Water Supply [No. 329].

SUPPLY — *considered in Committee* — *Resolutions*  
 [August 2] *reported.*

PUBLIC BILLS — *Ordered* — *First Reading* — *Teach-*  
*ers Registration* \* [296]; *Expiring Laws Con-*  
*tinuance* \* [297].

*Second Reading* — *Drainage and Improvement of*  
*Lands (Ireland) Provisional Orders (No. 3)* \*  
 [278]; *Game Laws Amendment* [291], *de-*  
*bate adjourned.*

Committee — *Employers' Liability (re-comm.)*  
 [209] — R.F.

Committee — *Report* — *Considered as amended* —  
*Third Reading* — *Epping Forest (re-comm.)* \*  
 [279], and *passed.*

### CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he  
 had received from Mr. Justice Lush and Mr.  
 Justice Manisty, two of the Judges selected, in  
 pursuance of The Parliamentary Elections Act,  
 1868, for the Trial of Election Petitions, Certi-  
 ficates and Reports relating to the Election for  
 the Borough of Boston.

And the same were severally read, as follow:—

### BOROUGH OF BOSTON ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Prac-  
 tices Act, 1879.

The Parliamentary Elections and Cor-  
 rupt Practices Act, 1880.

To The Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush,  
 knight, and the Honourable Sir Henry Manisty,  
 knight, Judges of the High Court of Justice,  
 and two of the Judges for the time being for  
 the trial of Election Petitions in England, do  
 hereby, in pursuance of the said Acts, certify  
 that upon the 27th and 28th days of July 1880,  
 We duly held a Court at the Sessions House,  
 in the Borough of Boston, in the County of  
 Lincoln, for the trial of, and did try, the  
 Election Petition for the said Borough between  
 Sydney Charles Buxton, Petitioner; and Thomas  
 Garfit, Respondent.

About mid-day of the second day, after some  
 Witnesses had been examined in support of  
 some of the numerous cases of bribery specified  
 in the particulars delivered by the Petitioner,  
 the Respondent declined further to contest the  
 seat; and we being satisfied that the Respon-  
 dent had, by his Agents, been guilty of bribery,  
 determined that the said Thomas Garfit being  
 the Member whose Election and Return were  
 complained of in the said Petition was not duly  
 elected or returned, and that his Election and  
 Return were and are wholly null and void on  
 the ground of bribery by Agents, and we do  
 hereby certify in writing such our determina-  
 tion to you.

And whereas charges were made of corrupt  
 practices having been committed at the said  
 Election, we, in further pursuance of the said  
 Acts, report as follows:—

- (a.) That no corrupt practice was proved  
 to have been committed by or with the  
 knowledge or consent of any Candidate  
 at such Election;
- (b.) The following persons were proved at  
 the trial to have been guilty of the cor-  
 rupt practice of bribery:—

Persons by whom Voters were bribed.	Persons bribed.
William Gillings.	Charles William Lay-
John Morris.	ton.
William Day.	William Ward.
John Caister.	George Bradley.
John Stoor.	Reuben Tombes.
Thomas Ward alias	Richard Stubbins.
Thomas Loughton.	William Phillips
John Whitehouse.	Brown.
Joseph Blackham.	James Rock.
We have granted Certificates of Indemnity to William Gillings and John Caister, and to each of the persons reported as having been bribed.	

- (c.) That corrupt practices have extensively  
 prevailed at the Election for the Borough  
 of Boston, to which the said Petition re-  
 lates, as to which we beg to refer you to  
 our Report in the case of "Tunnard and  
 others v. Ingram."

Dated this 2nd day of August 1880.

ROBT. LUSH.  
 H. MANISTY.



The Parliamentary Elections Act, 1868.  
The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To The Right Honourable  
The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 28th, 29th, 30th, and 31st days of July 1880, We duly held a Court at the Sessions House, in the Borough of Boston, in the County of Lincoln, for the trial of, and did try, the Election Petition for the said Borough between Charles Thomas Tunnard and others, Petitioners; and William James Ingram, Respondent.

And, in further pursuance of the said Acts, We report that at the conclusion of the said trial we determined that the said William James Ingram, being the Member whose Election and Return were complained of in the said Petition, was not duly elected or returned, and that his Election and Return were and are wholly null and void on the ground of bribery by Agents, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows:—

- (a.) That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at such Election;
- (b.) The following persons have been proved at the trial to have been guilty of the corrupt practice of bribery:—

Persons by whom Voters were bribed.	Persons bribed.
William Simpson Key.	William Woods.
John Jackson.	Samuel Noble.
Charles Botterell.	Thomas Marshal Stocks.
	Henry Newham.
	Joseph Hancock.

We have given Certificates of Indemnity to each of the persons reported as having been bribed.

- (c.) That corrupt practices have extensively prevailed at the Election for the Borough of Boston to which the said Petition relates. We have arrived at this conclusion partly by an investigation of the Election expenses returned by the Agents of the Candidates, and partly by the facts admitted or proved before us, the result being that out of a constituency of about 3,000, certainly not less than 600 voters (or one-fifth of the whole constituency) were employed on the day of the poll and paid nominally for services as messengers, watchers or the like, but really for their votes;

According to those returns the Conservative Candidates employed as clerks and messengers, &c. on the day of the poll about 368 persons, and the Liberal Candidates employed 606, making in all 974, of whom, as already stated, at the least 600 were voters, all of whom, or by far the greater part, there is good reason to believe voted.

Dated this 2nd day of August 1880.

ROBT. LUSH.  
H. MANISTY.

And the said Certificates and Reports were ordered to be entered in the Journals of this House.

## QUESTIONS.

### SUMMARY JURISDICTION ACT, 1879— CUMULATIVE SENTENCES—CASE OF GEORGE DAVIES.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, If it is a fact that at the police court, Shrewsbury, on the 15th ultimo, George Davies was charged with assault and sentenced to "one month's imprisonment for each assault, one sentence to follow the other;" and, whether, as the case was heard in an "occasional" court, the magistrate did not exceed his powers of imprisoning, as limited by "The Summary Jurisdiction Act, 1879;" and, if so, whether he will remit the remainder of the sentence?

MR. ARTHUR PEEL: The facts are generally as stated in the Question. George Davies was charged with assault, and was sentenced by two magistrates sitting in an "occasional" court-house to "one month's imprisonment for each assault, one sentence to follow the other." The sentence was in excess of that which, under the 20th section of the Summary Jurisdiction Act, 1879, could be passed by the magistrates sitting in an occasional court-house. The Secretary of State, as soon as his attention was called to the facts, which was done by the magistrates themselves, at once remitted the amount in excess. The remission was made on the 21st of July.

MR. P. A. TAYLOR asked if the sentence would be quashed, as would have been the case if the man had not been too poor to appeal?

MR. ARTHUR PEEL said, the decision of the Home Office only applied to the excess punishment.

# ARMY—THE ORDNANCE AND COMMISSARIAT DEPARTMENTS.

MR. WHALLEY asked the Secretary of State for War, having in view the recent reorganization of the Ordnance and Commissariat Departments, and the Royal Warrant issued for the guidance of the same, Upon what principles have the "selection" for the retention and the retirement of certain officers been made?

MR. CHILDERS: In reply to my hon. Friend, I have to state that the reduction in the Ordnance Department, effected by my Predecessor, was from 160 to 90 officers, and in the Commissariat from 270 to 160—a reduction in all of 180 officers. My right hon. and gallant Friend, on the recommendation of the late Surveyor General of the Ordnance, carefully selected those whom he found to be the best officers for retention in the Service, and the rest were retired on compensation rates.

# OFFENCES AGAINST THE EXCISE LAWS (IRELAND)—TOBACCO (SEIZURES).

MR. W. CORBET asked the Secretary to the Treasury, If his attention has been directed to a Return issued on 30th July relating to Tobacco (Seizures), from which it appears that Ireland, although exceptionally free from offences against the Excise Laws, has yet been much more severely punished than any other part of the United Kingdom; and, whether he can state why it is that, in England, with 2,441 seizures, including London, and 2,352 persons convicted, the fines imposed amount only to £15,246, or £6 10s. per person, and in Scotland, with 205 seizures and 236 persons convicted, to £1,425, or £6 per person, while in Ireland, with only 24 seizures, and 35 persons convicted, the sentences amount to £4,869, or £140 per person, these fines being at the rate, for England, of 10s.; Scotland 17s.; and Ireland £1 4s. 8d. for every pound of tobacco seized?

LORD FREDERICK CAVENDISH: The explanation of the apparent inequality of the fines levied is as follows:—The penalties for dealing with tobacco contrary to the Customs laws ranged from single to treble duty paid value, and the same sum is usually imposed on every person concerned in one transac-

tion. Supposing, therefore, more than one person is concerned, and the full penalty is inflicted, each person concerned may be called upon to pay three times the duty-paid value of a pound of tobacco. The large amount of the fines paid in respect of Ireland is chiefly due to heavy seizures at Londonderry, which were gross cases, the full penalties being inflicted by the Irish Courts, and 14 persons being convicted for five seizures. The same explanation applies in the case of Scotland, where the number of persons exceeds the seizures by about one-ninth, while in Ireland the persons exceeded the seizures by nearly a-half, and in England the persons and seizures are about equal in number.

# SOUTH AFRICA—THE CAPE COLONY—SIR BARTLE FRERE—DESPATCHES AND CORRESPONDENCE.

GENERAL SIR GEORGE BALFOUR asked Her Majesty's Government, If all the Despatches and paragraphs omitted from the previously published documents, as well as the more recent documents bearing on South Africa, will be promptly laid upon the Table of the House, together with such extracts from the confidential and private documents, as will show clearly and fully the measures on which the Government have differed from Sir Bartle Frere, as well as those measures on which they have agreed, and generally if Government will supply all those Papers in the Colonial Office which will show the manner in which Sir Bartle Frere has carried on the duties entrusted to him?

MR. GRANT DUFF: I suppose my hon. and gallant Friend's Question is founded upon a phrase in the statement made yesterday by the noble Lord the Secretary of State for India—

"The conclusion at which Her Majesty's Government have arrived is that there had never existed between themselves and Sir Bartle Frere that harmony of opinion on many important questions now pending in South Africa which alone could have made it desirable in itself, or fair towards Sir Bartle Frere, that he should remain at the Cape, but for the reason that he had been specially sent out to forward, and it appeared possible that it was in his power materially to forward, the policy of Confederation."

I thought that want of harmony was notorious, and had been made clear to all the world by the debates of March 1879, in both Houses of Parliament, in

which so many Members of Her Majesty's present Government took part. There is already on the Table a great mass of documents which may be studied with reference to the policy of Sir Bartle Frere in South Africa before the resignation of the late Government—say, in round numbers, 3,000 pages. To the best of my belief, all the despatches of any interest which have passed between Sir Bartle Frere and the present Secretary of State, except the very most recent, have already been presented, and the most recent—those which relate to Confederation—together with my noble Friend the Secretary of State's telegraphic reply, will be laid on the Table forthwith. I do not know of any documents which would be in any way useful which are not upon the Table, except these quite recent despatches; but if my hon. and gallant Friend will communicate with me, I should hope we may be able to gratify him by presenting any further Papers bearing upon Sir Bartle Frere's policy which he may desire to have. Of course, no private or confidential Papers are, or ever could be, presented without the fullest communication with the persons to whom they relate, or from whom they came; but I understand my hon. and gallant Friend only to ask for such things as can properly be given according to the well-known practice of the House.

SIR STAFFORD NORTHCOTE: I do not know whether the right hon. Gentleman is now in a position to tell us when the South African Vote is likely to come on. If not, will he undertake that due Notice should be given, and that the time shall be convenient for enabling a discussion to be taken on the subject of Sir Bartle Frere's recall?

MR. GRANT DUFF: The time for taking the Vote is rather a matter for the Secretary to the Treasury; but I apprehend there will be no difficulty in giving such Notice as the right hon. Gentleman desires.

#### ARMENIA, ASIA MINOR, AND SYRIA— THE DEBATE—PERSONAL EXPLANATION.

MR. BOURKE asked the permission of the House to offer a short explanation, which he felt obliged to make in consequence of the lamentable illness of the Prime Minister, which he need not say

every Member of the House very deeply deplored. It might be in the recollection of the House that a very few nights ago the Prime Minister mentioned, in the course of a discussion on the subject of Armenia, that the late Government had concealed a despatch. At the time he (Mr. Bourke) mentioned that it would be his duty to recur to the subject, and the only reason he had not so recurred before was the illness of the Prime Minister. It would be, of course, repugnant to his feelings to mention the subject in the absence of the Prime Minister; and he should not do so now but for the fact that from certain statements made in the public Press, it appeared that his reasons for abstaining from returning to the subject had been misapprehended. He hoped the House would believe him when he said that the reason he had stated was the only one which restrained him; and that the House would allow him to say a few words on the subject on some early and convenient occasion.

SIR CHARLES W. DILKE said, he wished to speak a few words of comment on the statement of his right hon. Friend. He might point out to the House that his right hon. Friend the Prime Minister was in his place down to Friday night last, and that the statement to which the right hon. Gentleman the Member for King's Lynn referred was made on the previous Friday, so that there was a whole week in which he might have returned to the subject. He (Sir Charles W. Dilke) was personally acquainted with the despatches to which the Prime Minister referred, and should be able to deal with the question in the absence of the Prime Minister if the right hon. Gentleman chose to make his statement in explanation either to-day or at any future time before the return of the Prime Minister.

MR. BOURKE said, he should have brought the matter forward before last Friday if he had had access to certain Papers which were necessary for his purpose, in that he would have to quote from them. As soon as he had those Papers by him it would be his pleasure to make a statement, if the Forms of the House would allow him. If it would be satisfactory to the Government that he should make such a statement in the absence of the Prime Minister, he would be glad to do so at the first opportunity that presented itself.

*Mr. Grant Duff*

THE CHAIRMAN: Does the hon. and learned Gentleman wish to move that the sub-section be omitted?

SIR JOHN HOLKER: No; I merely suggest that it should be omitted.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he did not wish to anticipate any discussion on the proposition of the hon. and learned Member for Preston (Sir John Holker). He was afraid, however, that the Government could not with safety consent to the 1st sub-section being struck out. With regard to the Amendment of the hon. Member for Christchurch (Mr. Davey), he thought the word "patent" could not be inserted in the sub-section, inasmuch as it destroyed its whole object. He thought a reference to sub-section 1 of Clause 2, would show that the hon. and learned Member for Preston had not so carefully considered the provisions of the Bill as they deserved. It was not the intention of the Government to extend the area of liability of employers. Of course, it was extended by the Bill, in the sense of applying it to certain persons in the service of the employer who could not now recover compensation from him. As the 1st sub-section stood, there would, of course, be liability imposed on the employer of labour for injury caused to a workman by reason of any defect in the works, machinery, plant, or stock connected with the business of the employer. Leaving those words as they stood, they, of course, included latent as well as patent defects. Now, the hon. Member for Christchurch wished to insert the word "patent," which, as the hon. and learned Member for Preston had pointed out, would render the sub-section perfectly useless. If the hon. Member would turn to the 1st sub-section of Clause 2, he would see that a workman would not be entitled under the Act to any right of compensation or remedy against the employer, so far as sub-section 1 of Section 1 was concerned—

"Unless the defect therein mentioned arose from the negligence of the employer, or of some person in the service of the employer, and intrusted by him with the duty of seeing that the works, machinery, plant, or stock were in proper condition."

If the defect were latent, as the hon. and learned Member for Preston had pointed out, and of a character which could not be discovered by care, the em-

ployer of labour would not be liable. He thought the hon. and learned Member for Preston could hardly have said that "all employers of labour, however careful in the selection of persons employed, would still be liable." Sub-section 1 Clause 2, had been put in the Bill to protect the employers of labour against liability for injuries that were not the result of their own negligence, or of persons intrusted by them with the duty of seeing that the works, machinery, plant, or stock were in proper condition.

MR. BIDDELL said, two months ago, owing to some unascertained cause, the boiler of a steam-engine burst on his farm. Both ends of the boiler were blown out, almost everything was shattered, and there was no means of getting at the cause of the explosion, which, if it had happened a few minutes later, must have resulted in the death of two or three persons. It appeared to him that, under the provisions of the Act, he (Mr. Biddell) might have been involved in damages to the extent of £600 on account of this simple accident.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, as the hon. Member (Mr. Biddell) had stated his case, he would not have been liable, because it was not shown that the accident had arisen from the negligence of the employer. It was necessary, in order to bring the employer within the operation of the Bill, to show distinct negligence on his part or that of some person intrusted by him with the duty of supervision.

MR. ORR EWING said, the majority of boilers burst from getting over-heated through want of water. This was very often the result of carelessness on the part of the man in charge.

SIR JOHN HOLKER said, no doubt the provisions of the 1st sub-section of Clause 2 did, in the main, remove his objections to the 1st sub-section of Clause 1. Still, he thought the latter remained open to some objections. The Bill provided that—

"Where, after the commencement of this Act personal injury is caused to a workman by reason of any defect in the works, machinery, plant, or stock connected with the business of the employer,"

the workman, if he (Sir John Holker) rightly understood the clause, should have the same right of compensation and remedies against the employer as if the

India, Whether Her Majesty's Government have received any intelligence, either yesterday or to-day, as to the progress of events in Candahar; and, whether there is any truth in the report contained in the papers that the communication with Cabul has been cut, and any truth in the further report that the communication with Candahar has been restored? I wish also to ask, generally, whether the noble Marquess can give any information as to the state of affairs both in Cabul and Candahar?

THE MARQUESS OF HARTINGTON: I have received no intelligence, either yesterday or to-day, as to the progress of events at Candahar, or on the line between Candahar and the Frontier. I have received a private telegram from the Viceroy this morning, containing some account of the progress of affairs at Cabul, certainly up to the 1st, and, as I understand the telegram, to the morning of the 2nd instant; but there is no mention made in that telegram of any interruption of the communication between Candahar and Cabul. I have no reason, therefore, to suppose that any such interruption has occurred. I have not received any further news from Candahar; but I have not the smallest doubt that as soon as the Viceroy obtains any reliable information he will communicate it to me.

MR. J. G. TALBOT: I wish to ask, Whether there is any truth in the alarming statement in *The Daily News* as to the temper of Abdurrahman's troops at Cabul?

THE MARQUESS OF HARTINGTON: No; I have received a telegram this morning, but I cannot conveniently communicate it to the House, because it relates to negotiations which are in progress. I may, however, state that it contains no alarming information whatever—certainly not on the 1st August, when the negotiations were proceeding.

#### NAVY—H.M.S. "IRON DUKE."

MR. B. SAMUELSON asked the Secretary to the Admiralty, Whether he could give any information to the House with reference to the accident which had occurred to the *Iron Duke*?

MR. SHAW LEFEVRE: A satisfactory telegram has been received from the Commander-in-Chief on the China Station, to the following effect:—

*Mr. Gorst*

"The *Iron Duke* is afloat; has not received any important damage; French and Russian admirals rendered all the assistance possible."

#### TREATY OF BERLIN—THE CONFERENCE—THE PARLIAMENTARY PAPERS.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether he was able to inform the House when the various sets of Papers relating to Eastern questions would be presented?

SIR CHARLES W. DILKE, in reply, said, there were four sets of Papers. The Conference Papers were ready, but they were waiting for two maps, one of which would be completed in a day or two, and the other by the end of the week; the Papers in reference to the state of the Turkish population in Bulgaria would be ready in a week or 10 days; the Unionist Papers would be completed in the course of the week; and the Paper relating to the representations made to the Russian Government in regard to the supply of arms and non-commissioned officers was ready, and would probably be laid on the Table to-morrow.

#### ORDER OF THE DAY.

##### EMPLOYERS' LIABILITY (re-committed)

BILL—[BILL 209.]

(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.)

##### COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Amendment of law).

MR. BARNES begged to move the first Amendment which stood in his name. He would suggest that the commencement of the Act should be fixed for the 1st of January, 1881.

Amendment proposed, in page 1, line 5, to leave out "passing," and insert "commencement."—(Mr. Barnes.)

MR. DODSON said that the Amendment appeared to be a reasonable one, and one that could not well be objected to. He might say that he thought the date suggested by the hon. Member was a proper one—namely, the 1st of January, 1881.

He thought it possible, if a liberal construction were put upon the clause, the insertion of the word "ways" might not be necessary; but it had been suggested to him, by persons acquainted with the subject, that the clause as it stood would exclude cases of injury arising from defects in the permanent ways of railways and mines. The clause might include these cases, although it was possible that it might not. In order, therefore, to give effect to what he believed to be the intention of the Government, he begged to move the Amendment standing in his name.

Amendment proposed, in page 1, line 7, before "works," insert the word "ways."—(*Mr. Inderwick.*)

Question proposed, "That the word 'ways' be there inserted."

MR. DODSON said, he was not at all sure that the word "ways" was necessary. He believed the case referred to by the hon. and learned Member for Eye (*Mr. Inderwick*) was provided for by the Bill; but for the sake of clearness, and as that was the intention of the Government, he would agree to the Amendment.

MR. BARNES said, he would point out to the Committee that the ways of railways and mining companies were not always permanent.

MR. PEASE said, he trusted that the word would not be inserted, inasmuch as it would have the effect of weakening the clause. When once you began to schedule and specify causes of injury, you excluded other causes. If the right hon. Gentleman was going to insert "ways," why not put in stables and engine-houses? The proposed Amendment, he believed, would only make difficulties.

MR. KNOWLES said, the Amendment would give rise to very serious complications, and he trusted it would not be agreed to by the Committee. The ways in mines were provided for by the clause.

MR. HOPWOOD said, he thought the insertion of the word "ways" was absolutely necessary; it could not be said that a "way" was the same thing as a work. The public idea of the latter was a series of erections in which something was carried on. But a way might be a permanent way, or a road to the works, and no one could say that it

would come within the meaning of the words "works or plant." He therefore hoped the right hon. Gentleman would stand firm in his intention to agree to the Amendment.

MR. CRAIG said, he could not agree with the hon. and learned Member who had just sat down (*Mr. Hopwood*). He thought, with the hon. Member for East Derbyshire (*Mr. Barnes*), that the word "ways" would be an unnecessary addition. It would be very difficult to specify what was a defective way. A way might be right to-day, but to-morrow, or any other day, quite the reverse. Ways in mines were always in a state of change; they were liable to fall; and should injury arise from any circumstance of that nature, it might be contended that it was owing to a defect in the way, whereas it might have arisen from some unforeseen circumstances. If the word were inserted, he thought it should be qualified in some sense or other.

MR. DODSON said, he was at a loss to understand the objection taken to the Amendment by the hon. Member for North Staffordshire (*Mr. Craig*). The question had been raised as to whether the meaning of the word "work" included "ways." It appeared to him that the Amendment would remove a difficulty on that point; and, in order to make the section quite clear, he agreed to the insertion of the word "ways."

Question put, and agreed to.

MR. WHITWELL said, the object of the Amendment he was about to move was to make the Bill as clear and as useful as possible. He could not understand how the word "stock" was, in any way, cognate with the words "works, machinery, or plant." He understood stock to be material manufactured or in a raw state. If that was the sense in which it was taken, he could not see why it was put in the clause at all; and, therefore, proposed that the word should be omitted. He knew of nothing that could make an employer liable for stock as a cause of damage to others. A man might have a quantity of old rags to be delivered to persons who would convert them into paper or shoddy. They would certainly be in stock, but should not, for that reason, come under the provisions of the Bill. He begged to move the Amendment standing in his name.

might be submitted to the Lord Advocate, and brought up again on Report.

SIR DAVID WEDDERBURN said, that, on that understanding, he would ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. DAVEY said, he wished to move the Amendment which stood in the name of the hon. and learned Gentleman the Member for West Staffordshire (Mr. Staveley Hill). Its object was to confine the right of action. The intention of the Bill was, of course, not to give working men a greater right of action than a third person already possessed.

Amendment proposed, in page 1, line 7, after "any," insert "patent."—*(Mr. Davey.)*

MR. DODSON said, that, by the acceptance of the Amendment, they would defeat the object they had in view. It was perfectly true that the object was to put a workman in the same position with regard to the employer as a stranger was at present. The law was, that the employer was not liable for latent defects in machinery. As the Bill stood, the workmen would be relieved; but, he thought, to insert the word "patent" would only create a difficulty in the case of the existing law. The Amendment clearly ought not to be accepted.

SIR JOHN HOLKER said, that it seemed to him that if the word "patent" were accepted, it would give rise to a good deal of difficulty in regard to the arrangement and limits of the Bill where there were defects in works and machinery that were patented. In fact, it would raise the question of patents generally. What was a patent in the case of one might not be so as regarded another person. Therefore, if the sub-section 1 of the Bill was to stand, it would be better without the Amendment of the hon. and learned Gentleman (Mr. Staveley Hill). He wished to draw attention to the enormous responsibility imposed on employers of labour if that Bill was passed in its present shape. Every employer of labour, no matter how careful he might be, was liable to his workmen for defects in machinery. He might employ the most skilful firm of boiler-makers, and everything might be apparently right, yet, nevertheless, on account of some flaw,

an explosion might happen which might cost thousands and thousands of pounds to the employer of labour. Something might also be said with regard to the works themselves in which the business was carried on. It was the same with regard to steam engines and other machinery, and the employers might find themselves saddled with an expense that no one could calculate. The right hon. Gentleman the President of the Local Government Board (Mr. Dodson) said that as regarded the outside public—that was strangers—employers were not liable for latent defects in machinery. He (Sir John Holker) was not aware that employers were responsible for any defects in machinery in such cases. These was no responsibility except in certain peculiar circumstances. If, for instance, a stranger went among workmen, and he was not authorized or sent there, and an explosion occurred, or a break-down happened, by which he suffered injury, the employer would not be liable to him, although the injury might be occasioned by a defect which was not a latent one. On the whole, he thought it would be much better to adopt the suggestion of the hon. and learned Member for Coventry (Sir Henry Jackson), and omit from that part of the Bill the 1st sub-section. At the present time, employers were liable to their workpeople for defects in machinery under a variety of circumstances. They were liable if they were under an obligation to correct certain machinery and they omitted to do so. They were liable, he presumed, to the workmen, if, under an obligation to exercise due care in regard to the machinery, they omitted to do so. Every person who made a machine unskilfully was liable, and it was reasonable that he should be so, for any defect existing. He did not desire to alter that or interfere with that liability in any way. If that sub-section were not omitted, the effect would be that employers, who were at present liable to a certain extent, would, in addition, be liable for any defect in the machinery which arose in consequence of the negligence of those in their employ who had superintendence of the machines. That sub-section would impose an alarming amount of responsibility on employers; and, for his part, he believed that it might be omitted without disadvantage.

to suppose. He would like to remove the word to Section 2, which would limit the liability for any defect to the case in which the defect itself had been caused either by the negligence of the employer, or by the negligence of some person intrusted by him with the care and management of stock. The word so guarded, did not appear to him of the very alarming character which the speeches of hon. Members opposite might lead the Committee to suspect.

MR. J. W. PEASE said, it would seem that most hon. and learned Members liked every form of expression that had a doubt in it. His view of an Act of Parliament was, that everything it contained should be as plain as possible. He believed that what was intended was stock-in-trade, which, owing to its dangerous character, as in the case of carboys of acid, might injure workmen through the negligence of those who ought to have looked after it. The word "stock" was, therefore, better in than out of the Bill.

LORD RANDOLPH CHURCHILL said, he would appeal to the President of the Local Government Board not to wrap himself up in gloomy silence, but to give the Committee distinct information as to what was in his mind concerning the meaning of the word "stock," whether it covered animate or inanimate stock. If it applied to the former, he should certainly ask the Committee to divide on the question.

MR. H. H. FOWLER said, it was very difficult to say what was in the mind of the person who drew this Bill. His own impression was that the word "stock," as it stood in the sub-section, referred to the rolling stock of railway companies; and he could not see how it could apply to stock-in-trade. If hon. Members looked at the former part of the clause, they would see that no reference was made to defect in material, such as acids, bricks, or timber; the wording was simply "defect in stock," and that stock he believed was passenger carriages and the waggon used in the transit of materials. He would like to hear what was the opinion of the Government on this point. If it was intended to apply the word to stock-in-trade, it would open the way to endless litigation; on the other hand, if it did not include rolling stock, it ought to be made to do so.

MR. DODSON said, the word was intended to apply to stock-in-trade, in

which the rolling stock of a railway would be included.

MR. J. W. BARCLAY said, it was almost impossible to conceive the word to include live stock. He would be glad to hear from the right hon. Gentleman the President of the Local Government Board, whether it was intended that it should apply to live stock.

MR. PRICE said, the Committee were discussing the question as to whether the word "stock" ought to be retained to apply to stock-in-trade and rolling stock; and, again, whether it ought to be retained to apply to live stock. In his view, these two questions should be discussed apart. The discussion which had taken place had shown that very great doubt existed on these questions. He submitted that the word "stock" should be retained to meet cases of injuries resulting from defects in trade stock, such as chemicals, which, by being improperly stored together, might produce dangerous explosions.

SIR JOHN HOLKER said, it was desirable that the Committee should understand from the Government whether they intended live stock or stock-in-trade. He understood this Bill was intended to apply to servants engaged in husbandry. If that were so, would a horse belonging to a farmer which might run over one of the farm labourers be stock-in-trade? He thought it would be somewhat dangerous to keep the word "stock" in the Bill, if it were intended to include both live and dead stock, and he considered it reasonable that the term should be defined in some way, although he was not prepared to say that the words "in trade" would have the desired effect.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, there would be no objection to add the words "in trade," as rolling stock would be covered by the word "plant." He was not prepared to say whether the clause applied to injury done to a workman by live stock; but all these questions were governed by the fact that there must be negligence on the part of the employer, or some person intrusted by him with the duty of seeing that the stock was in proper condition.

MR. JAMES HOWARD said, an animal might be defective by reason of viciousness. The stock of a farmer was universally known as his "live and dead stock;" but if it was not intended to include live animals in the definition of



workman had not been a workman of, nor in the service of, the employer, nor engaged in his work. That would, in effect, limit the claim of workpeople, because, if the workmen were only to have the same rights and remedies as a person not in the service of the employer, it must be remembered that a person not in the employ might very possibly have no right of compensation or remedy at all. An employer was not, as a rule, liable for defects in machinery to outside persons.

MR. DODSON said, he apprehended that an employer was liable for an accident caused by his machinery to a stranger, unless it arose from a latent defect for which he was not responsible. Take the analogous case of a stranger passing along a road, and suppose that, in consequence of the negligence of the master of an agricultural steam-engine also passing along the road, or of the negligence of the person to whom it was intrusted, the passing stranger should be injured. The stranger would have his remedy in that case. The Bill extended the liability of the employer in the case of workmen in so far as it put the workman in the same position towards the employer as the stranger already occupied.

MR. BRADLAUGH said, Sub-section 1 of Clause 1 provided that a workman was to have a remedy for injuries caused "by reason of any defects in the works, machinery, plant, or stock;" and Sub-section 1 of Clause 2 provided that the remedy was not to apply unless the defect mentioned in Clause 1, Sub-section 1, arose from—

"The negligence of the employer, or of some person in the service of the employer, and intrusted with the duty of seeing the works, machinery, plant, or stock were in proper condition."

Now, it might happen that the employer bought a machine cheap because it had not been well-constructed. Again, the machine might have in it defects originating in the course of manufacture. This Bill limited the right of the workman against the employer, and there would be no privity between the workman and the constructor. That being so, would not the workman be barred in his remedy?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, there was an obligation on every employer to see that he

*Sir John Holker*

had proper machinery; and if he had not inquired into the construction of cheap machinery, he would be liable for the consequences of its defects. That was the case as the law stood now, and the Bill extended the liability of employers for such negligence to workmen.

MR. GORST said, the right hon. Gentleman the President of the Local Government Board did not seem to have appreciated the difficulty with regard to the clause which had been pointed out by the hon. and learned Member for Preston (Sir John Holker). Take the case of a boiler which burst through the negligence of the person in charge. The Bill said that the workman was to have only the same remedy against the owner of the boiler that he would have had if he had not been a workman, or was not employed at all, or had not been on the premises. He asked, whether a stranger intruding on works where he had no business to be would have any remedy at all for injuries sustained in consequence of the bursting of the boiler? Because, if a stranger had no remedy, neither would the workman have any.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, in the case put by the hon. and learned Member for Chatham (Mr. Gorst) there would be no claim. The Bill did not apply to the cases of trespassers. But take the case of a man rightfully on the premises, say for the purpose of delivering a sack of coals, and suppose, by the negligence of the employer, the boiler burst and injured the man, he would have a claim against the employer. The Bill placed the workman in the same position as the other man.

SIR JOHN HOLKER said, the explanation given by his hon. and learned Friend opposite (Sir Henry James) did not appear on the face of the Bill. He thought it would be much more satisfactory if it were embodied in the wording of the clause.

Amendment, by leave, *withdrawn*.

MR. INDERWICK said, the Amendment he had to propose would not carry the Bill beyond the limits intended by the Government. If it were accepted the clause would run thus—

"By reason of any defect in the ways, works, machinery, plant, or stock connected with the business of the employer."

He thought it possible, if a liberal construction were put upon the clause, the insertion of the word "ways" might not be necessary; but it had been suggested to him, by persons acquainted with the subject, that the clause as it stood would exclude cases of injury arising from defects in the permanent ways of railways and mines. The clause might include these cases, although it was possible that it might not. In order, therefore, to give effect to what he believed to be the intention of the Government, he begged to move the Amendment standing in his name.

Amendment proposed, in page 1, line 7, before "works," insert the word "ways."—(*Mr. Inderwick.*)

Question proposed, "That the word 'ways' be there inserted."

MR. DODSON said, he was not at all sure that the word "ways" was necessary. He believed the case referred to by the hon. and learned Member for Rye (*Mr. Inderwick*) was provided for by the Bill; but for the sake of clearness, and as that was the intention of the Government, he would agree to the Amendment.

MR. BARNES said, he would point out to the Committee that the ways of railways and mining companies were not always permanent.

MR. PEASE said, he trusted that the word would not be inserted, inasmuch as it would have the effect of weakening the clause. When once you began to schedule and specify causes of injury, you excluded other causes. If the right hon. Gentleman was going to insert "ways," why not put in stables and engine-houses? The proposed Amendment, he believed, would only make difficulties.

MR. KNOWLES said, the Amendment would give rise to very serious complications, and he trusted it would not be agreed to by the Committee. The ways in mines were provided for by the clause.

MR. HOPWOOD said, he thought the insertion of the word "ways" was absolutely necessary; it could not be said that a "way" was the same thing as a work. The public idea of the latter was a series of erections in which something was carried on. But a way might be a permanent way, or a road to the works, and no one could say that it

would come within the meaning of the words "works or plant." He therefore hoped the right hon. Gentleman would stand firm in his intention to agree to the Amendment.

MR. CRAIG said, he could not agree with the hon. and learned Member who had just sat down (*Mr. Hopwood*). He thought, with the hon. Member for East Derbyshire (*Mr. Barnes*), that the word "ways" would be an unnecessary addition. It would be very difficult to specify what was a defective way. A way might be right to-day, but to-morrow, or any other day, quite the reverse. Ways in mines were always in a state of change; they were liable to fall; and should injury arise from any circumstance of that nature, it might be contended that it was owing to a defect in the way, whereas it might have arisen from some unforeseen circumstances. If the word were inserted, he thought it should be qualified in some sense or other.

MR. DODSON said, he was at a loss to understand the objection taken to the Amendment by the hon. Member for North Staffordshire (*Mr. Craig*). The question had been raised as to whether the meaning of the word "work" included "ways." It appeared to him that the Amendment would remove a difficulty on that point; and, in order to make the section quite clear, he agreed to the insertion of the word "ways."

Question put, and agreed to.

MR. WHITWELL said, the object of the Amendment he was about to move was to make the Bill as clear and as useful as possible. He could not understand how the word "stock" was, in any way, cognate with the words "works, machinery, or plant." He understood stock to be material manufactured or in a raw state. If that was the sense in which it was taken, he could not see why it was put in the clause at all; and, therefore, proposed that the word should be omitted. He knew of nothing that could make an employer liable for stock as a cause of damage to others. A man might have a quantity of old rags to be delivered to persons who would convert them into paper or shoddy. They would certainly be in stock, but should not, for that reason, come under the provisions of the Bill. He begged to move the Amendment standing in his name.

Amendment proposed, in page 1, line 7, after the word "machinery," to insert "or."—(*Mr. Whitwell.*)

Question proposed, "That the word 'or' be there inserted."

MR. DODSON said, the word "stock" would include that which was neither machinery nor plant. For instance, a stack of timber or bricks might fall and cause injury. Again, it would include a stock of explosive substances. Under the circumstances, he could not accept the Amendment.

MR. WHITWELL said, he doubted whether the case put by the right hon. Gentleman would be due to defect in stock.

MR. HUSSEY VIVIAN said, the word "stock" appeared to him to have no reference whatever to works, machinery, or plant. If the Government had any doubt as to the meaning of the term, perhaps it would be better that some explanation should be given. It could not be desirable to have an unmeaning word retained in the Bill.

MR. HOPWOOD said, the stock in trade of a builder consisted, amongst other things, of scaffold poles. The wording of the section was so dubious, that he thought the word "stock" had better be retained as affecting the class of stock to which he had referred.

MR. GORST said, he should like to know from the hon. and learned Gentleman the Attorney General whether the ill-stacking of a number of bricks or scaffold poles would be a defect in stock?

MR. WARTON said, he would suggest, with all respect to the hon. and learned Gentleman the Attorney General, that the difficulty arose from the poverty of the language employed in the Bill. The vocabulary was insufficient. The word "stock" was made to answer over and over again, and might apply to four or five different things.

MR. RYLANDS said, those engaged in mercantile transactions would have no difficulty with regard to the meaning of the word "stock." The falling of a stack of bricks or timber would not be due to any defect in the materials themselves, but to the mismanagement of some person intrusted with the work of seeing them properly stacked. Now, the hon. and learned Member for Chatham (*Mr. Gorst*) had appealed to the

hon. and learned Gentleman the Attorney General for his opinion as to the use of the word "stock" with regard to this particular point, and also as to how far he supported the view of the President of the Local Government Board. The hon. and learned Gentleman had not replied to that appeal. Unless some understanding was arrived at, he thought the word had better be struck out.

MR. DODSON said, he thought the point was a very small matter; and if it was the opinion that the word should be omitted, he was willing to agree to its being struck out.

MR. GORST said, it was purely a legal question; and he would again appeal to the hon. and learned Gentleman the Attorney General for an expression of his opinion upon it.

THE ATTORNEY GENERAL (*Sir Henry James*) said, there were cases in which the word would apply to dynamite or gun-cotton, for instance, which, being improperly made or subject to accident, might explode and cause injury. He thought the word should be retained.

An hon. MEMBER said, that accidents frequently arose from horses of a very improper character being used in business. He held that such horses very properly came under the head of "stock."

SIR WALTER B. BARTELOT said, he was satisfied that the word ought to be struck out, if it was intended to include bullocks and cart horses.

An hon. MEMBER said, the remarks of the hon. and gallant Baronet (*Sir Walter B. Barttelot*) were the best reasons for keeping the word "stock" in the Bill. He could not conceive that the word could do any harm; while it, obviously, might do good. The remarks of the President of the Local Government Board showed that the clause might require amendment with regard to the bad stacking of timber and bricks, and that, if not already covered by the section, certainly ought to be.

MR. H. H. FOWLER said, he would like to know under what head the rolling-stock of a railway would come? He did not think that was included in the word "plant," and it was, therefore, clear that the word "stock" was necessary.

MR. GORST said, if the word "stock" included agricultural stock, he did not think the Bill was of that dangerous character which the hon. and gallant Baronet (*Sir Walter B. Barttelot*) seemed

be to accept the Amendment of the hon. Member for Kendal (Mr. Whitwell), and then that liberty should be given to any hon. Member to move a fresh Amendment upon Report.

MR. J. W. BARCLAY said, that he felt convinced that if the servants of employers generally were going to have certain privileges given to them, then the servants of agriculturists ought to have the same. There were sufficient important questions to be settled between farmers and their servants, and he did not think that this one of making agricultural labourers an exception ought to be added to them. With respect to the illustration about horses, he thought that if a gentleman were to make his servant ride a horse which was not sound, he ought to be liable in the same way as the manufacturer who had defective machinery. He did not desire to see any exceptional legislation in favour of the farmers. If it were thought right to give the servants on railways and in manufactories certain rights, then, in his opinion, agricultural labourers ought to have the same. He did not consider that it would be doing the farmers any service; on the contrary, it would only be widening the differences between them and their servants, if exceptional legislation were passed with regard to the farming interest. If employers generally were laid under responsibility for injuries to their workpeople, then, in his opinion, there was no ground for refusing the benefit of that legislation to the agricultural labourer. Should the Government make any change in this matter, he hoped it would not be in the direction of exempting farmers from any responsibility.

MR. GORST said, that he agreed with the hon. Member for South Durham (Mr. J. W. Pease) that this discussion ought to come to an end shortly, and that they should reserve further observations until Report. It seemed to him that the Committee was now quite ready to settle the question by a division. He would suggest that the Amendment of the hon. Member for Kendal (Mr. Whitwell) should be withdrawn, and that they should divide upon that of the hon. Member for Bolton. The latter Amendment plainly raised the point at issue. The question that the Committee would have to settle would be whether agricultural stock was, or was not, to be included

in the Bill; whether live stock was, or was not, to be included in it. That was the question they had really to decide for the Government. Although they had not received the assistance they might have expected from the Government in the matter, still he thought the question was now ripe for the Committee to express its opinion by a division. He would suggest that they should go to a division upon the Amendment of the hon. Member for Bolton.

An hon. MEMBER said, that he hoped the Committee would decide to leave the word "stock" altogether out of the Bill. He did not believe that it was ever intended either that live stock or stock-in-trade was to be included by the word "stock." The Preamble of the Bill stated that it was to extend and regulate the liability of the employer to make compensation for personal injury suffered by workmen in their service, and he did not think that injury from defective stock came under that head.

MR. DODSON said, that he fully agreed that this discussion had now continued for a long time. Some considerable time before he stated that he did not attach very much importance to the word "stock;" but no sooner had he said that, than a discussion took place upon its meaning. In order to make the meaning of the word perfectly clear, the Government had agreed to put the words "in trade" after "stock." Now the hon. Member for Bolton wished to insert "or rolling stock." He had no objection to those words; but he really thought that they were sufficiently included under the term "machinery and plant."

An hon. MEMBER said, that he ventured to think that the question ought to be settled as to whether "stock-in-trade" included live stock. It had been shown by the hon. and learned Gentleman that dynamite, which might be stock-in-trade, might be so inherently defective that it might explode, and it had been shown by the hon. Member for Oldham (Mr. Lyulph Stanley) that petroleum might be so defective that it might also explode. It was also true that greasy waste might be kept in such large quantities, and for so long a time that spontaneous combustion might ensue. If there was any liability under the Bill, it ought to attach to the person who kept such defective things. When they came

"stock," he would suggest that the word "dead" should be placed before the word.

MR. HERMON said, he thought the word "stock" should be defined, rather than it should be left to be disputed by lawyers hereafter. Since the discussion began, the Committee had been told that it was to include stock-in-trade. Now, he recollected some years ago that the rays of the sun ignited some lucifer matches in a grocer's shop, which set fire to some gunpowder and produced a serious explosion. It could not be said that this was owing to defect in stock, because the defect was in the window glass, which concentrated the rays of the sun. It was a most important thing to manufacturers and tradespeople that they should know the meaning of Acts of Parliament under which they were liable. He trusted the Committee would take the little trouble necessary for arriving at a definition of the word "stock" which, if it meant stock-in-trade in the sense he had referred to, would create great disturbance amongst traders.

LORD RANDOLPH CHURCHILL said, a farmer might have a horse which he knew perfectly well had a disease of the foot, and was liable to come down at any moment. This horse, by coming to the ground, might cause injury to a workman riding home from plough or otherwise. He asked whether that would be a case in which the employer would be liable under the Bill, and must press the hon. and learned Gentleman the Attorney General for an answer upon that point? The replies of the Government had hitherto been unsatisfactory with regard to the meaning of the word "stock," and he would venture to suggest that the progress of the Bill would be facilitated by answers being given to reasonable questions.

THE SOLICITOR GENERAL (Sir FARREB HERSCHELL) said, that in the case put by the noble Lord opposite (Lord Randolph Churchill) the employer would not be liable, as the disease of the foot would not be due to the negligence of the employer.

MR. A. J. BALFOUR said, he would suppose that the employer had thrown down the horse and broken his knees; and that, on a subsequent occasion, in consequence of the horse having been thrown down by his carelessness, his

servant was thrown, and broke his arm. Would the employer be liable under this Bill?

THE SOLICITOR GENERAL (Sir FARREB HERSCHELL) said, in the case put by the hon. Member for Hertford (Mr. A. J. Balfour), if the employer knowingly sent the man out on a horse that was broken-kneed, he would be liable at Common Law, and not under the Bill. If the defect arose from the neglect of some person intrusted with the duty of seeing that the animal was in proper condition, in that case alone could there be any liability under the Bill.

SIR JOHN HOLKER said, his hon. and learned Friend the Solicitor General had pointed out that the Bill applied to the negligence not only of the employer, but of persons employed by him. If, in the case just put, the accident resulted from the conduct of a person other than the employer, that would show to the Committee that stock-in-trade might come within the definition of the word "stock," and that evil consequences might arise from its being brought within that definition.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he had proposed to avoid the difficulty by inserting the words "in trade" after the word "stock." He asked the hon. Member for Kendal (Mr. Whitwell) to consider whether that would produce the result he desired. Live animals were stock-in-trade, just as much as cotton or wool were stock-in-trade to persons manufacturing cotton or woollen goods.

MR. WHITWELL said, he proposed the Amendment simply because the words "works, machinery, and plant" were definite; but he had been quite unable to make himself understand what was the meaning of the word "stock" as used in the Bill. The long discussion in Committee had testified to the difficulty with regard to the meaning of the term which existed in the minds of hon. Members. Although the hon. and learned Gentleman the Attorney General had signified his willingness to insert the words "in trade," he thought it would be much safer to agree to the Amendment before the Committee.

MR. HERMON said, that the right hon. Gentleman in charge of the Bill (Mr. Dodson) had been good enough to leave the definition of the meaning of

word. The Amendment now proposed the Government was not prepared to accept. He would only say this with regard to the explanation he gave some time ago, that the word "stock" was not limited in the smallest degree in the manner stated by the hon. Gentleman. The limit proposed by the Amendment would very much narrow the Bill. He would adhere to the proposition he made some time ago for adding, for the sake of clearness, after the word "stock," the further words "in trade."

MR. GREGORY said, that the Government were willing to adopt the words "stock-in-trade." He should suggest that the words "other than live stock" be also added.

SIR HERBERT MAXWELL said, that instances had been given of explosive substances like gunpowder being part of "stock-in-trade." The explosion of gunpowder might result from its defective manufacture; but it might also occur from its defective storage. He would ask the right hon. Gentleman (Mr. Dodson) whether the case of storage did not entirely meet the intention of the Government?

MR. WARTON said, that, perhaps, the word "storage" would not be quite wide enough; he would rather suggest some such words as "placing, stacking, or storing."

Question put, and *negatived*.

Amendment proposed, in page 1, line 8, after the word "stock," to insert the words "in trade."—(*Mr. Dodson*.)

MR. GREGORY said, that it would be well if the Government added the words "other than live stock."

THE CHAIRMAN said, that the Amendment of the hon. Member for East Sussex (Mr. Gregory) could be made subsequently.

MR. HERMON said, that it was not at all clear what the word "stock" meant. Sometimes, steam-engines were used for threshing corn, and in other cases farmers used horses. A steam-engine, or a horse, then became stock-in-trade. He thought the Committee ought to know whether stock-in-trade included live stock or not.

MR. DODSON said, that he had already stated that stock-in-trade included every kind of stock, whether alive or dead.

LORD RANDOLPH CHURCHILL said, that the question had been put to the hon. and learned Gentleman the Attorney General as to what was meant by stock-in-trade, and he stated that it was what a farmer had to sell, and that the term did not apply to what a farmer was using for his daily work, and did not intend to sell. The definition now given by the right hon. Gentleman the President of the Local Government Board entirely differed from that previously stated.

MR. HICKS said, that, about an hour and a-half ago, the Government expressed its willingness to strike out the word "stock." It had then been suggested by many hon. Members on either side of the House that they should adhere to their original intentions. In his opinion, the only way out of the difficulty into which they had got was to adhere to the original intention of the Government to strike out the word "stock" altogether. As the Bill at present stood, it was simply a lawyer's Bill, and the result of it would be that it would subject employers to every kind of action. Moreover, the Bill would be entirely one-sided; and if a man brought an action, the employer would have nothing to do but to pay damages and costs.

THE CHAIRMAN said, that the hon. Member for Cambridgeshire (Mr. Hicks) was not discussing the Amendment which was before the Committee. The Amendment proposed was whether the words "in trade" should be added, and general observations upon the Bill were not admissible upon that Amendment.

MR. HICKS said, that he was addressing himself to the word "stock." His contention was that the word was indefinite, and that it rendered every class of employer in this country liable to numberless actions. He, however, said that if employers were liable to these actions, and the word "stock" were left in the clause, then they would be subject to very one-sided actions. If, by any chance, the decisions of the Courts were against them, they would have to pay damages and costs to the plaintiffs; but if, on the other hand, the Court decided that there were no grounds for the action, then they would have to pay their own costs, without the slightest chance of recovering them from the plaintiffs. The consequence would be

good; and he would suggest that, instead of extending the confusion by adding the words "in trade," the word "stock" should be omitted from the clause.

SIR JOHN HOLKER said, that the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) seemed to think that no injury could arise from stock-in-trade being defective. He (Sir John Holker) thought it was perfectly clear that stock-in-trade might be defective in the sense contemplated by the Bill. A man might have a quantity of petroleum amongst his stock-in-trade, and if that were not properly treated injury would result. Injury might also be occasioned from an explosion of dynamite which, through the negligence of the manufacturer, had been made unnecessarily explosive; and, in both those cases, there might be injury caused by defective stock-in-trade.

MR. LYULPH STANLEY said, that the remark applied to petroleum and other mineral oils. A man's stock-in-trade was what he kept for sale, and not what he had on his premises for use. The House of Commons could not be expected to contemplate all the events that might happen. It was enough for them to say that injury might arise from the defective character of the stock-in-trade. For instance, a man might deal in petroleum of a certain quality, which would be safe at a certain temperature but dangerous at another. If, by the negligence of his foreman or himself, petroleum of an inferior quality were bought which became explosive, and a servant went down with a light and an explosion took place, then that injury would result from the defective stock-in-trade. It had been said that horses on a farm were not stock-in-trade, because they were employed to work the farm, and were not for sale; but he wished to point out that they were part of the plant of a farmer, just as the horses at a colliery were part of the plant of the colliery. If a colliery owner had vicious horses, and injury happened to his servants through those vicious horses, then that was such negligence of the employer as would make him liable under the provisions of the Bill.

MR. KNOWLES said, that he hoped that the Government would adhere to their original intention by striking out the word "stock" from the Bill.

*Mr. Serjeant Simon*

MR. COURTNEY said, that, perhaps, he might be allowed to suggest a case of accident happening from defective live stock. According to the principle of the Bill, an owner of live stock ought to be made liable for injury caused by his stock. There might be a case of an agent of a farmer on a large scale buying a horse with a diseased fetlock. In that case, at Common Law, if an accident happened from the servant falling off the horse, the employer would not be liable. What it was desired to do by the Bill was to make the employer liable in such a case. That was exactly a parallel case to that of a man having a steam engine or boiler in use which was defective. He wished to see an employer made liable if his servants, by his direction, bought defective live stock or used defective machinery.

MR. JAMES HOWARD said, that the hon. and learned Gentleman the Solicitor General had stated that the owner of a vicious horse was liable for damage done by it at Common Law. If an employer sent his servant into market with a vicious horse, then he ought to be liable for any accident which might happen to that servant. He thought it very desirable that they should have this question perfectly clear in the Bill, and not leave the definition of what was meant by "stock" to be decided by lawyers. The hon. and learned Gentleman the Attorney General himself had shown the necessity of having it clear in the Bill, because he evidently did not understand what stock-in-trade meant in the language used by farmers. Any one acquainted with farming matters must know that when a sale was announced to take place, the "live and dead stock" were advertised. Surely the hon. and learned Gentleman could not be ignorant of that fact. If it were intended by the Government that live stock should be included, as he hoped it would be, then he thought the Government ought to accept the Amendment.

MR. J. W. PEASE said, that he rose to suggest that the debate as to the word "stock" should now come to an end. He thought that if, after careful examination, the Government found that the words of the clause did not comprehend all that they desired, then they should bring up fresh words on Report. He thought that the best plan would

SIR JOHN HOLKER said, that the hon. and learned Gentleman the Attorney General had somewhat twitted the hon. and learned Member for Chatham (Mr. Gorst) as to having given lip service to the Government; but, however that might be, no one could deny that it was essential that, if the Bill was to be passed, the intentions of the farmers should be clearly and definitely expressed. He agreed that if that were not done, the Bill would be of service to no one except the lawyers; it would result, no doubt, in a very plentiful crop of actions, which would be a very great burden upon employers. With regard to the intentions of the right hon. Gentleman the President of the Local Government Board, he certainly did say that he attached no importance to the word "stock," and was perfectly willing that it should be struck out of the Bill. He had, however, since departed from that, and they had now to consider whether the word "stock," which a great many hon. Members thought highly objectionable, was rendered more or less objectionable by the insertion of the words "in trade." He should like to know who could define what was meant by "stock-in-trade?" The hon. and learned Gentleman the Attorney General had expressed an opinion that the horse used by a farmer for the purpose of riding to market was not his stock-in-trade; but he (the Attorney General) would like to know whether a horse used for the purpose of ploughing or for taking produce to market was stock-in-trade?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that he had only expressed an opinion that a horse used by a farmer for riding to market was not part of his stock-in-trade.

SIR JOHN HOLKER said, that he should like to have an expression of opinion from his hon. and learned Friend as to whether a horse used for ploughing or for taking goods to market came under that definition. At present, the Committee was left entirely in the dark as to the exact meaning of the words "stock-in-trade;" no one was able to say whether such animals were stock-in-trade or not. Suppose they had a description in a bill-of-sale given by a farmer to a creditor, which mentioned stock-in-trade, furniture, and other things. In that case, would the horse

used for the purpose mentioned come under the definition of stock-in-trade? If the matter were left in its present uncertain state, the result would be that litigation would arise extremely prejudicial to the farmer, although profitable to the lawyers.

MR. SERJEANT SIMON said, it was necessary that the matter should be properly understood. He had himself suggested, some few moments ago, the omission of the word "stock" altogether. Subsequently to that, it had been explained that materials of an explosive character, such, for instance, as dynamite or petroleum, might be included under the word "stock." Now, in order still further to define the word, it was proposed that it should be altered to "stock-in-trade." For his part, he considered that the words "in trade" were mere surplusage, and he should oppose their insertion. The only effect of the addition of the word would be to unduly limit the operation of the Bill.

Question put, and *agreed to*.

MR. GREGORY said, he should propose to add, after the words "stock-in-trade," the words "other than live stock." It had been argued by some hon. Gentlemen on the other side, that the words as they stood would not include live stock; but he thought that they were quite comprehensive enough to do so, and to render employers liable for defects in animals which were very difficult of detection, even by experts. The subject was one not affecting farmers only, but livery stable keepers, cab proprietors, omnibus proprietors, carriers, and others, who would be made responsible for defects in their live stock of which they were not aware.

Amendment proposed, in page 1, line 7, after the words "stock-in-trade," to insert the words "other than animal stock."—(*Mr. Gregory*.)

Question proposed, "That those words be there inserted."

MR. DODSON said, the Amendment seemed to him to be based on a misapprehension of the intention of the Bill. The measure did not in any way alter the liability for negligence. It merely extended the liability of the employer in cases of proved negligence to injuries consequent thereon to workmen. If ac-



to live stock, it was not easy to see how the principle which was applied to the person who kept bad materials in a negligent manner, could be applied. The horses kept for working a farm were not live stock; they were really part of the plant of the farm. If the horses kept for sale did an injury to a servant, then the employer should be responsible for the damage caused by his stock-in-trade. He did not see any reason for exempting agriculturists from the operation of the Bill.

MR. HOPWOOD said, he could not conceive any reason why a difference should be made between the farming class and other employers. If the word "stock" were taken from the Bill, there was nothing else upon which an action could be founded for injuries sustained by the action of vicious animals.

Question put.

The Committee divided:—Ayes 82; Noes 158: Majority 76.—(Div. List, No. 90.)

SIR HERBERT MAXWELL said, that he begged to move, in page 1, Sub-section 1, after the word "or," in line 7, to insert the words "storage of." He thought that that Amendment was worth the consideration of the Committee. It seemed to him that the owner of stock ought to be held liable for injury incurred by his servants, by reason of his negligent storage; and that if he stored gunpowder or other dangerous goods in an improper manner, then he ought to be liable. For instance, a man might have a glandered horse, and he thought that, in the event of an accident happening to his servant through that horse, he ought to be held liable.

Amendment proposed, in page 1, line 7, after the word "or," to insert the word "storage."—(Sir Herbert Maxwell.)

Question proposed, "that the word 'storage' be there inserted."

LORD RANDOLPH CHURCHILL said, that the right hon. Gentleman the President of the Local Government Board had not stated whether the word "stock" was intended to refer to agricultural or live stock. If the right hon. Gentleman did not understand the terms of his own Bill, he hoped that he would accept the Amendment.

MR. NEWDEGATE said, that, in his judgment, the word "stock" was infinitely too wide for the purposes of the Bill; he also considered that the word "stock-in-trade" would be open to some objection. The Bill was to protect persons employed, and he thought they ought to use some other words than "stock-in-trade," which were very wholesale words, and went far beyond the purposes of the Bill. He thought it would be better to use words such as "materials used in such employment, or for such employment." He did not absolutely suggest those words; but he ventured to suggest that the right hon. Gentleman who had charge of the Bill should insert some such Amendment.

MR. GORST said, that he did not know whether any observations were intended to be made by the Government upon that Amendment. He should like to remind the right hon. Gentleman the President of the Local Government Board that in the last division a minority was supporting the proposal of the Government itself. He had been amazed himself, in supporting the Amendment, to find that he was voting against Her Majesty's Government. His hon. Friend behind him (Sir Herbert Maxwell) had now brought forward a proposal which exactly carried out what the right hon. Gentleman said was the meaning of the words of the Bill. He was asked the meaning of the words "stock-in-trade," and he described them in terms which were exactly satisfied by the Amendment. If, therefore, they were again to support a Government Bill, he was afraid that they would again find themselves in a minority. He was very anxious to support the Government upon the Bill; and he should like to know, if it went to a division, whether the Government would support the right hon. Gentleman the President of the Local Government Board, or whether they would throw him over and vote against his Bill?

MR. DODSON said, that the Government never proposed the omission of the word "stock;" they said that if it were the wish of the Committee to leave it out, then they would have no objection. That was very different from proposing to omit the word. When it appeared that the Committee was in favour of retaining it, then the Government voted in favour of the retention of their own

word. The Amendment now proposed the Government was not prepared to accept. He would only say this with regard to the explanation he gave some time ago, that the word "stock" was not limited in the smallest degree in the manner stated by the hon. Gentleman. The limit proposed by the Amendment would very much narrow the Bill. He would adhere to the proposition he made some time ago for adding, for the sake of clearness, after the word "stock," the further words "in trade."

MR. GREGORY said, that the Government were willing to adopt the words "stock-in-trade." He should suggest that the words "other than live stock" be also added.

SIR HERBERT MAXWELL said, that instances had been given of explosive substances like gunpowder being part of "stock-in-trade." The explosion of gunpowder might result from its defective manufacture; but it might also occur from its defective storage. He would ask the right hon. Gentleman (Mr. Dodson) whether the case of storage did not entirely meet the intention of the Government?

MR. WARTON said, that, perhaps, the word "storage" would not be quite wide enough; he would rather suggest some such words as "placing, stacking, or storing."

Question put, and *negatived*.

Amendment proposed, in page 1, line 8, after the word "stock," to insert the words "in trade."—(*Mr. Dodson*.)

MR. GREGORY said, that it would be well if the Government added the words "other than live stock."

THE CHAIRMAN said, that the Amendment of the hon. Member for East Sussex (Mr. Gregory) could be made subsequently.

MR. HERMON said, that it was not at all clear what the word "stock" meant. Sometimes, steam-engines were used for threshing corn, and in other cases farmers used horses. A steam-engine, or a horse, then became stock-in-trade. He thought the Committee ought to know whether stock-in-trade included live stock or not.

MR. DODSON said, that he had already stated that stock-in-trade included every kind of stock, whether alive or dead.

LORD RANDOLPH CHURCHILL said, that the question had been put to the hon. and learned Gentleman the Attorney General as to what was meant by stock-in-trade, and he stated that it was what a farmer had to sell, and that the term did not apply to what a farmer was using for his daily work, and did not intend to sell. The definition now given by the right hon. Gentleman the President of the Local Government Board entirely differed from that previously stated.

MR. HICKS said, that, about an hour and a-half ago, the Government expressed its willingness to strike out the word "stock." It had then been suggested by many hon. Members on either side of the House that they should adhere to their original intentions. In his opinion, the only way out of the difficulty into which they had got was to adhere to the original intention of the Government to strike out the word "stock" altogether. As the Bill at present stood, it was simply a lawyer's Bill, and the result of it would be that it would subject employers to every kind of action. Moreover, the Bill would be entirely one-sided; and if a man brought an action, the employer would have nothing to do but to pay damages and costs.

THE CHAIRMAN said, that the hon. Member for Cambridgeshire (Mr. Hicks) was not discussing the Amendment which was before the Committee. The Amendment proposed was whether the words "in trade" should be added, and general observations upon the Bill were not admissible upon that Amendment.

MR. HICKS said, that he was addressing himself to the word "stock." His contention was that the word was indefinite, and that it rendered every class of employer in this country liable to numberless actions. He, however, said that if employers were liable to these actions, and the word "stock" were left in the clause, then they would be subject to very one-sided actions. If, by any chance, the decisions of the Courts were against them, they would have to pay damages and costs to the plaintiffs; but if, on the other hand, the Court decided that there were no grounds for the action, then they would have to pay their own costs, without the slightest chance of recovering them from the plaintiffs. The consequence would be

that every man who received the slightest injury would go to a solicitor, and get a letter written stating that if his employer did not pay him so much money he would bring an action. In many cases the employer would pay the money instead of going into Court. The question was whether the words introduced into the Bill extended the liability under which the employer was placed. In his opinion, the words of this clause were not clear; not a single hon. Member on either side of the House had ventured to say that they were clear; they were open to all sorts of interpretation, and there was nothing clear or intelligible in the Bill. He would appeal to the right hon. Gentleman the President of the Local Government Board to do what he said he would an hour and a-half ago, and withdraw the words "stock-in-trade" altogether. If, on further consideration, he found it necessary to bring up an amended clause, or section of a clause, he was sure no one would object to its being done upon Report.

MR. JAMES HOWARD said, that he desired to point out that the words proposed to be added to the clause were mere surplusage, inasmuch as the word "stock" was sufficiently explained by the words following:—"connected with the business of the employer." He did not think that a clearer definition could be given of stock, for it must mean stock-in-trade. He hoped that the Committee would not waste further time upon the matter.

SIR HENRY JACKSON said, that the expression "stock" was more comprehensive than stock-in-trade. The Government had expressed its willingness to add the words "in trade" after "stock," so that the effect of the legislation, as regarded the defects in stock, would be a little less opposed to the interests of the employer than before. It was his desire to limit the effect of legislation against the employer; and he therefore hoped that the Committee would add these words, because, in his opinion, they narrowed the liability of the employer by making the clause less comprehensive than it was before.

MR. GORST said, that they had only been anxious to elicit from the Government a statement of what was meant by these words. He wished to do service to the Government, which, perhaps, they did not appreciate; but still he de-

sired to be of service to them. It was most desirable, in a Bill of this kind, that the Government should clearly and explicitly state what they meant by the words they wished to put in the Bill. He could not understand exactly what it was that the right hon. Gentleman the President of the Local Government Board meant by the words "stock-in-trade." Clearly, he meant something very different from what the hon. and learned Gentleman the Attorney General intended. He should like to know whether the words were intended to be used according to the sense fixed upon them by the hon. and learned Gentleman the Attorney General, or according to the meaning ascribed to them by the right hon. Gentleman the President of the Local Government Board? If the Committee were clearly informed upon that point, progress could be made. His noble Friend the Member for Woodstock (Lord Randolph Churchill) had asked the question on this point once or twice, but had, as yet, obtained no answer.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that the hon. and learned Member for Chatham (Mr. Gorst) had expressed a wish to do the Government service; but he was afraid that it was only lip service, of a very doubtful kind. When his right hon. Friend the President of the Local Government Board proposed to omit the word "stock" from the Bill, he was met by the statement that the Committee did not wish to do so. Then, in deference to the wishes of the Committee, he had moved to insert, after "stock," the words "in trade." The noble Lord the Member for Woodstock (Lord Randolph Churchill) had alleged that he differed from his right hon. Friend as to the meaning of the word "stock." In his (the Attorney General's) opinion, the horse upon which the farmer rode to market would not be included in the words "stock-in-trade." He did not know whether a farmer's horse upon which he usually rode to market was more stock-in-trade than a licensed victualler's horse. There might be a case of a farmer dealing in horses besides cattle and sheep, and then they would be stock-in-trade; but he was distinctly of opinion that animals used for personal service would not be included under the definition of "stock-in-trade."

SIR JOHN HOLKER said, that the hon. and learned Gentleman the Attorney General had somewhat twitted the hon. and learned Member for Chatham (Mr. Gorst) as to having given lip service to the Government; but, however that might be, no one could deny that it was essential that, if the Bill was to be passed, the intentions of the farmers should be clearly and definitely expressed. He agreed that if that were not done, the Bill would be of service to no one except the lawyers; it would result, no doubt, in a very plentiful crop of actions, which would be a very great burden upon employers. With regard to the intentions of the right hon. Gentleman the President of the Local Government Board, he certainly did say that he attached no importance to the word "stock," and was perfectly willing that it should be struck out of the Bill. He had, however, since departed from that, and they had now to consider whether the word "stock," which a great many hon. Members thought highly objectionable, was rendered more or less objectionable by the insertion of the words "in trade." He should like to know who could define what was meant by "stock-in-trade?" The hon. and learned Gentleman the Attorney General had expressed an opinion that the horse used by a farmer for the purpose of riding to market was not his stock-in-trade; but he (the Attorney General) would like to know whether a horse used for the purpose of ploughing or for taking produce to market was stock-in-trade?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that he had only expressed an opinion that a horse used by a farmer for riding to market was not part of his stock-in-trade.

SIR JOHN HOLKER said, that he should like to have an expression of opinion from his hon. and learned Friend as to whether a horse used for ploughing or for taking goods to market came under that definition. At present, the Committee was left entirely in the dark as to the exact meaning of the words "stock-in-trade;" no one was able to say whether such animals were stock-in-trade or not. Suppose they had a description in a bill-of-sale given by a farmer to a creditor, which mentioned stock-in-trade, furniture, and other things. In that case, would the horse

used for the purpose mentioned come under the definition of stock-in-trade? If the matter were left in its present uncertain state, the result would be that litigation would arise extremely prejudicial to the farmer, although profitable to the lawyers.

MR. SERJEANT SIMON said, it was necessary that the matter should be properly understood. He had himself suggested, some few moments ago, the omission of the word "stock" altogether. Subsequently to that, it had been explained that materials of an explosive character, such, for instance, as dynamite or petroleum, might be included under the word "stock." Now, in order still further to define the word, it was proposed that it should be altered to "stock-in-trade." For his part, he considered that the words "in trade" were mere surplusage, and he should oppose their insertion. The only effect of the addition of the word would be to unduly limit the operation of the Bill.

Question put, and *agreed to*.

MR. GREGORY said, he should propose to add, after the words "stock-in-trade," the words "other than live stock." It had been argued by some hon. Gentlemen on the other side, that the words as they stood would not include live stock; but he thought that they were quite comprehensive enough to do so, and to render employers liable for defects in animals which were very difficult of detection, even by experts. The subject was one not affecting farmers only, but livery stable keepers, cab proprietors, omnibus proprietors, carriers, and others, who would be made responsible for defects in their live stock of which they were not aware.

Amendment proposed, in page 1, line 7, after the words "stock-in-trade," to insert the words "other than animal stock."—(*Mr. Gregory*.)

Question proposed, "That those words be there inserted."

MR. DODSON said, the Amendment seemed to him to be based on a misapprehension of the intention of the Bill. The measure did not in any way alter the liability for negligence. It merely extended the liability of the employer in cases of proved negligence to injuries consequent thereon to workmen. If ac-

cidents arose in any way from the negligence of the employer, he would be liable as before. The Bill merely made him liable also for negligence of his superintendents.

MR. PERCY WYNNDHAM said, these words ought to be inserted, for, otherwise, the effect of the Bill would be to enormously extend the liability of owners of all live stock. As he was a Member of the Select Committee to whom this question was referred, he could say that no such extension was ever contemplated by them; and, for his part, he did not believe that it had even been thought of by the Government until within the last 20 minutes. It seemed to him most unjust that a farmer should be made liable for defects in one of his horses, for instance, of whose existence he was not previously aware. A horse which had previously been quiet and manageable might suddenly one day, from some unknown cause, develop temper, and seriously injure a labourer on the farm. It would be a very serious thing if farmers were to be bound to compensate their labourers in every such case.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that in the case suggested by the hon. Member for West Cumberland (Mr. Percy Wyndham) a farmer would not be made liable. The Bill did not increase the liability for negligence, and as employers were not now liable for what were called latent defects, they would not be liable in future. The Bill only made them liable for the proved negligence of their bailiffs or delegates.

MR. RYLANDS said, he should oppose the Amendment, although, in order that there might be no misunderstanding, he should prefer for his part to leave out the words "stock-in-trade" altogether. He did not think any exception should be made in the Bill in favour of any particular class; while, on the other hand, they should be very careful in any legislation that they did not give rise to litigation, a result which he feared might ensue from the passage of this Bill.

SIR WALTER B. BARTELOT said, the discussion which had taken place showed how necessary it was that every line of the Bill should be carefully scrutinized. If they wanted to prevent the great amount of litigation which he was afraid would result from the passage of

this Bill in its present condition, they must be very careful indeed what Amendments they made. The speech first delivered by the President of the Local Government Board showed one of the dangers which they had to meet. He had then told them that "stock" did not include agricultural stock, and now they said that it did or might include agricultural stock. He did not believe that the Government, until a few minutes before, had even considered that question, or had intended to do so. Certainly the right hon. Gentleman had not intended that animal stock should be included in the Bill.

MR. J. W. BARCLAY said, the question whether "plant and stock-in-trade" included live stock was one which affected many classes. It was not exclusively a farmers' question. There was a great difference between a defect in an animal and a defect in an implement or a piece of machinery. The defect in a piece of machinery could be detected by careful examination; but an animal which had always had a perfectly good character, and never given any trouble, might suddenly develop some defect, and, in consequence, do a man an injury. Again, a machine which contained a defect ought not to be used at all; but a horse which was lame might yet be very useful for certain purposes. He was afraid that the provisions in the Bill would completely prevent its being employed at all, and would make it necessary that it should be killed.

MR. DODSON said, he had no particular desire to retain the words "stock" in the Bill; but he might point out to hon. Gentlemen on both sides of the House that horses were included under the word "plant." ["No, no!"]

SIR HENRY JACKSON strongly objected to the addition of these words. He pointed out that the Bill, as drawn, used terms which any lawyer would be able to construe, and terms which bore a particular meaning; but if this addition was made, there would be a danger of confusion, and therefore he would suggest that the Bill should be left as it was originally drafted.

SIR HARDINGE GIFFARD said, he had heard with some astonishment the explanation just made by the right hon. Gentleman the President of the Local Government Board. He did not wish to give a definite opinion himself

on the meaning of those words; but he thought that the interpretation which the right hon. Gentleman had put upon the word "plant" was scarcely one which could be accepted. He did not see how, by any device, live stock could be regarded as part of a farmer's plant. Besides, the Bill itself showed that such kind of stock was not in the mind of the draftsman when he used the word "defective."

MR. NORWOOD observed, that the interpretation which the President of the Board of Trade had suggested surely could not be accepted. "Stock" was a part of a man's machinery for carrying on his business; or, at any rate, that was the meaning of the word that was there employed in the Bill, and how could that be made in any way to apply to the case of farmers, many of whom kept a large number of horses merely for the purpose of breeding and selling?

MR. NEWDEGATE said, what had already taken place in the course of the debate was amply sufficient to show that the Bill was one which ought to have been referred to a Select Committee. He hoped the right hon. Gentleman would not insist upon the words "stock-in-trade," but would content himself with the phrase originally in the Bill. They ought not to have anything at all to do with horses or live stock in connection with this clause. As Chairman of the Veterinary College, he knew how extremely difficult it was to ascertain whether a horse was sound or not; and if the Committee went into the question, they would have to discuss the temper of the animals which might change in a very short time, and would find themselves embarked on a very long and difficult inquiry.

MR. BROADHURST said, he must object to any proposal which would have the effect of narrowing the Bill. They certainly ought to extend protection to workmen and labourers who were improperly put in charge of vicious animals. Surely there was no desire on the part of the Committee to exclude the agricultural labourers from the benefit of the measure.

SIR EDWARD COLEBROOKE suggested that the objections which had been raised would be met if farmers were under no larger responsibility as regarded their servants than the rest of the public.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said he would only trespass on the attention of the Committee for a moment, in order to again explain that the Bill did not extend in any way the nature of the liability of the employer. As he had already said, all that it did was to put workmen in exactly the same position as other persons.

LORD RANDOLPH CHURCHILL said, he extremely regretted that more rapid progress was not being made with the measure—[*Ironical cheers*]*—*that was so; but it was impossible to proceed rapidly with the consideration of a Bill which the Government themselves, though they had introduced it, did not understand. ["Oh, oh!"] He, and his hon. Friends were, therefore, determined to do all that lay in their power to make this and other Government measures as perfect specimens of legislation as possible. They need not hurry with the work of improving these Bills, because there was no particular pressure of time. They knew—they had been told often enough—that the House was to sit until November, and, that being so, they were under no pressure of time, and there was no reason why the Government should exhibit symptoms of impatience. He had just said that the Government did not understand their own Bill, and that remark had been questioned. But the proof of the fact was to be found in the reply which had just been given by the President of the Local Government Board, who was in charge of the Bill, and by the way in which he had acted in regard to this particular phrase, "stock." He had, first of all, proposed that the words should stand "machinery, plant, and stock." He had then accepted a suggestion that the word "stock" should be left out; and after that had been almost agreed to, he had changed his mind and declared that the words should be retained, because a Liberal Member had suggested that the word "stock" might include agricultural live stock, a construction which evidently had not been in the mind of the Government when they drew the Bill. But he was not content with that, for he had afterwards given to the Committee one of the most extraordinary definitions of the word "plant" that he had ever heard. The right hon. Gentleman had said that plant would include live animals on

farms, which, surely, was a most ridiculous construction. He proposed to support the Motion that those words should be inserted, because it was quite clear that a distinction must be made between live and dead stock; and for this reason chiefly, that it was in a man's power to exercise some control over the latter which it was not in his power to exercise over the former.

MR. JAMES HOWARD also supported the Amendment. It was quite clear that, in some manner, the distinction suggested should be made, and he would remind the Committee that the present was not the time to increase the burdens of farmers. If this Amendment were not accepted, and, by the interpretation of the Bill, it was found that farmers were liable for accidents through the temper or habits of their animals, they would be subjected to an entirely new liability, and one which it would be impossible for them to meet. No man, however well acquainted with horses, could be absolutely sure that they would not develop temper at some future time, although, when he bought them, they might seem to be thoroughly sound and trustworthy.

MR. GORST protested against wasting any time in that discussion. They had done their best to elicit information from the Government, and the only result had been to bring out the extraordinary definition with which the President of the Local Government Board had recently favoured them. That being so, he thought the best thing they could do would be to take a division at once.

MR. SERJEANT SIMON said, that, even if these words were added, he doubted very much whether live animals would be included under the words "stock-in-trade." Those words were governed by the words which immediately preceded them, and, as the lawyers said, they were *ejusdem generis*. Stock-in-trade, therefore, would mean something in the nature of machinery and plant, but something which was not directly included under those two words. It seemed to him that stock-in-trade rather meant the goods in which the tradesman dealt.

Question put, and *negatived*.

MR. SERJEANT SIMON said, he rose in order to carry out the view that

*Lord Randolph Churchill*

had been just expressed. He proposed that the words "live stock" should be inserted in the sub-section. The terms of such a clause ought to be very clear; and, as it at present stood, there was considerable doubt about it. They had the authority of the hon. and learned Gentleman the late Solicitor General (Sir Hardinge Giffard), whose opinion was not to be treated lightly, that it was very doubtful, to his mind, whether stock-in-trade included live stock. It was also very doubtful to him (Mr. Serjeant Simon). There ought not to be any such doubt with regard to the terms employed in an Act of Parliament. If it be the intention of the Government that the sub-section should include live stock, there could be no objection to admitting those words, so as to leave no doubt on the matter.

Amendment proposed, in page 1, line 8, after "stock," insert "or live stock."  
—(Mr. Serjeant Simon.)

Question proposed, "That those words be there inserted."

MR. THOMPSON said, that the question was whether the present wording of the clause included live stock. He understood that the Judges had different ways of interpreting Acts of Parliament. When penal, they were interpreted strictly, so that the Committee ought to be much more careful in the case of the words in a penal Act than when the Act was not one of that class.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, it was not a penal, but a remedial Act of Parliament. In answer to his hon. and learned Friend the Member for Dewsbury (Mr. Serjeant Simon), he would say that the Government could not accept the proposal he had made. They had objected to the exclusion of live stock, and they now objected to that term being inserted. The object of the Act had been forcibly put by the hon. Member for Wolverhampton (Mr. H. H. Fowler), that by that Bill they did not intend to alter the nature of the liability in any way. That liability would, no doubt, be greater, with respect to persons such as servants, for whom, in some cases, the master was already liable where they were personally guilty of negligence; but by that Bill the liability of the master was extended to his responsible representatives. That Bill extended the liability in that

way, but did not interfere with the existing law otherwise. Whatever was done in the case of live stock before would be also done after the passing of that Bill, and whatever liability resulted before would also result in the same way then. He was unable to accept the Amendment of his hon. and learned Friend.

THE CHAIRMAN: Does the hon. and learned Member wish to press his Amendment?

MR. SERJEANT SIMON said, he believed he had only done his duty in bringing the matter forward; but he did not wish to press the Amendment.

Amendment, by leave, *withdrawn*.

MR. GREGORY said, he wished to move the next Amendment on the Paper—namely, to leave out “connected with,” and insert “used in.” The effect of the Amendment would be to make the meaning clearer. The words “connected with” were very wide and indefinite, and in the case of collieries, for instance, might apply to the stock or plant of a rail or tramway by which the cases were conveyed, although not in any way belonging to, or forming part of, the undertaking. The Amendment was quite within the scope of the Bill, and he therefore hoped that it might be accepted.

Amendment proposed, in page 1, line 8, after “stock,” to leave out “connected with” and insert “used in.”—(*Mr. Gregory*.)

Question proposed, “That the words ‘connected with’ stand part of the Clause.”

MR. DODSON said, he preferred the words of the Bill as they stood to those proposed by his hon. Friend the Member for East Sussex (*Mr. Gregory*). He believed that the words already employed were the right ones; the others were, in fact, not so grammatical.

SIR HENRY JACKSON said, he should like to ask the Law Officers of the Crown to tell him what they meant by “machinery, plant, or stock-in-trade connected with the business.” He would say, with all deference, that he really did not understand to what extent those words might go. He quite agreed that there might be some grammatical defect in the words proposed to be substituted. That, perhaps, was rather fine criticism;

but he must say that he did not understand the phrase “stock-in-trade connected with the business.” He, therefore, begged the Law Officers to explain it. He would venture to suggest this—that they should see their draftsman with regard to it, and explain that the present words appeared to be too vague. Then, on Report, they might bring up the sub-section in some different form. It might then run somewhat in this way—“by reason of any defect in the works connected with, or the machinery, plant, or stock-in-trade, used in the business of the employer.” He was afraid that they had gone too far in the sub-section to go back and insert other words; but he would ask the Law Officers to furnish a satisfactory explanation, or let the matter stand over for the draftsman.

MR. DODSON said, that the proposal of the hon. and learned Member who had just sat down was one that would save the time of the Committee. He had already stated that he did not wish to accept the words “used in” as a substitute for “connected with.” If his hon. Friend opposite (*Mr. Gregory*) and his hon. and learned Friend behind him (*Sir Henry Jackson*) would accept his assurance, he would confer with the draftsman and see whether any other words could be inserted which would render the meaning clearer.

MR. GREGORY said, he was quite satisfied with that assurance, and, therefore, begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR HENRY JACKSON said, that he had an Amendment to strike out the whole of the sub-section. It had been put down on the Paper as an Amendment in page 1, line 7. It was possible that that was the right place for it; but what he wished was to have the sub-section discussed, and, then if he still objected to it, to move its rejection. He wished to ask, with reference not so much to that particular sub-section, as to several others which would require discussion, whether it was held to be the right course for a Member objecting to a clause *in toto* to move its rejection before they discussed it, or whether it was competent to move that afterwards? It was quite possible that some objections which appeared at first sight might



disappear when the matter had been discussed, and perhaps satisfactory explanation given.

THE CHAIRMAN: The Amendment of the hon. and learned Baronet appears on the Paper before the last Amendment moved in the sub-section. I called upon the hon. and learned Baronet when the sub-section was first reached, and if he had been here he could have moved its omission. The hon. and learned Baronet was not present then, and he will not be in Order in moving his Amendment now.

MR. NORWOOD said, he wished to move the next Amendment on the Paper. His object in so doing was to limit the responsibility of masters to working hours; and, with the permission of the Committee, he would state an occurrence which came to his knowledge, by way of illustration. A number of workmen were employed in the upper storey of a warehouse, with a lift in it. The bell rung for dinner, and, to save themselves trouble, the men rushed in large numbers to the lift, which was only to be used for goods, and either persuaded or overpowered the man in charge who had "superintendence intrusted to him" to allow them to descend by it. At any rate, he seemed only to have made a feeble protest. An accident happened, and two men were killed and three or four injured. That accident was really due to the negligence of the person in charge of the lift; but it was not in working hours. It might be said that a distinction would be drawn in such a case as that, and that the owners might safely rely upon the jury. Now, he wished distinctly to assert that one of the difficulties which employers of labour would have under that Bill was that juries almost invariably were prejudiced against them. He himself was connected with two or three large concerns, and they scarcely ever dared to go into Court, because they were continually saddled with those claims. The juries nearly always took the side of the poor man, who had sustained, perhaps, a serious injury, whereby he was deprived of the means of earning his livelihood. He did think that, under that Bill, where their responsibility was to be so much increased, means ought to be taken to protect them in those cases which he had referred to. He believed that a reasonable limitation would be that of

negligence during working hours. The case he had stated clearly illustrated the position; and that particular accident had, no doubt, occurred from the recklessness of the men themselves. In such cases it was surely not intended to make the employer liable.

Amendment proposed, in page 1, line 9, after "negligence," insert "in execution of his duty."—(*Mr. Norwood.*)

Question proposed, "That those words be there inserted."

MR. DODSON said, that his attention had been drawn to the point referred to by the hon. Member for Hull (*Mr. Norwood*). He thought there was a good deal of force in what he had said; but he did not altogether like the words he had proposed. They appeared to limit it to when any particular works were being carried on. He would suggest to the Committee, and the hon. Member, the adoption of a slight alteration in the Amendment. The object in view was the same as that of the hon. Member for East Sussex (*Mr. Gregory*), who had also an Amendment to leave out in line 10, "who has," and insert "in the exercise of." No doubt, some alteration could be come to that would satisfy both the hon. Members and the Committee.

MR. NORWOOD said, he was quite satisfied with the statement of the right hon. Gentleman. He would rely upon the wording suggested by his hon. Friend the Member for East Sussex.

DR. CAMERON said, that, from his point of view, he considered that it was of the utmost importance, as far as possible, to do away with the doctrine of common employment. It appeared to him that that was the only logical way of dealing with it. All the difficulties had arisen from the neglect of that principle, which was laid down by the right hon. Gentleman the former Member for the University of London (*Mr. Lowe*). That Gentleman had again and again laid it down that if they wished to deal logically and satisfactorily with any given question there must be no exceptional legislation. They must not attempt to legislate for a single class. He proposed, therefore, in connection with that clause, after the word "superintendence," to add "of men or plant."

SIR JOHN HOLKER said, he wished to point out to the Committee that unless some such Amendment as that proposed

dressed the men; and, after directing their attention to the policy of the Government, told them that all their efforts ought to be directed to going out and settling in foreign countries. He (Mr. Thompson) followed him, and said that he thought they ought to look to the Government of England to make England the home of the English; and that it was their duty to legislate, not to drive away the English from England, but to make them happy and contented here. When he said that, cheer after cheer was given by the working men present; and, without egotism, he might say that he remained the hero of the evening, notwithstanding the presence of his friend, Mr. Arch. His belief was that they ought to be proud of the English people living in England, and they ought to do everything they could to encourage the development of their trade, and the development of their resources, in order to keep their people here, and that they should not endeavour to force them to emigrate to foreign lands and leave this country.

MR. RYLANDS said, that the hon. Member (Mr. Thompson) had spoken of various kinds of eloquence, and expressed his intention of using the persuasive kind of argument. He (Mr. Rylands) must say, however, that the arguments of the hon. Gentleman had not persuaded him. While he sympathized with the hon. and learned Member for Coventry (Sir Henry Jackson) in his belief that it was desirable that the operation of the Bill should not be too wide, yet he could not support the Amendment of the hon. Member for East Derbyshire (Mr. Barnes). If it were really the intention of the Committee to limit the operation of the Bill to the case of negligence of a single individual, by saying that the person having superintendence of the works of the employer should be responsible as acting for the employer, he thought the operation of the Bill would, in that way, be very much too limited. In his opinion, it would limit the Bill to an extent which would practically render it almost inoperative. He was not prepared to take that course with regard to the Bill; and, therefore, he could not support the Amendment of his hon. Friend. When they had proceeded further with the Bill, they would have to consider how far its provisions would have to be limited; but, so far as the Amendment now under

discussion was concerned, he thought it would narrow the Bill too much.

MR. RITCHIE said, that he wished to direct the attention of the Committee to the case of one class of *employés*, whose claims, he thought, received the sympathy of nearly everyone—he alluded to railway servants. If that Amendment were to be carried, and the word “the” inserted in the place of “any,” there would only be one person delegated with superintendence by the employer. In the case of railway servants that would be the traffic manager; and it would not be possible, therefore, in the case of railway servants, to bring their claims forward at all. If the Bill was to be at all adequate to meet the case of the railway servants that Amendment must be rejected. In the case of railway servants, the necessity of founding their claim for compensation upon damage inflicted in consequence of the negligence of the person who was the traffic superintendent would, practically, exclude railway servants from the operation of the Bill.

MR. HORACE DAVEY said, that, in his opinion, the speech of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson), as well as the speech of the hon. Member for Durham (Mr. Thompson), would have been more appropriate on the second reading of the Bill than on the Amendment now before the Committee. In the few observations which he wished to address to the Committee, he intended to confine himself to the effects of altering the subsection by making the employer only liable for the negligence of “the” person who had superintendence instead of “any” person who had superintendence. What would be the effect of that alteration? He would like any hon. Member to tell him who was the person to whom the clause would refer. It would be most difficult, in the case of a railway, to determine who was the person; at least, half-a-dozen persons might be alleged to be “the” person having superintendence. The consequence would be that no person would be able to tell, from the four corners of the Bill, who was the person intended by the clause. In the case of railways, it would probably be said that the traffic manager was the only person having superintendence, and that the Company was only liable for his negligence. It seemed

for negligence occasioned by the act of a fellow-workman. By that case the law was altered, and out of that decision arose the phrase "common employment." That phrase was, no doubt, a most apt one, and one that described the position before the mind of the Court when they decided that case of *Priestly v. Fowler*. As far as he remembered, it was a simple case. Two *employés* belonging to the same employer were together in a cart. One was killed, owing to the negligence of the other. The Court held that there was no just ground for complaint, inasmuch as there was no evidence to show who caused the injury. He did not wish to go more fully into the matter; but let them look deliberately at the important point that had been raised. The hon. Member for East Derbyshire (Mr. Barnes) represented one of the most important interests in the country; and he had brought forward in a distinct shape what he (Sir Henry Jackson) believed to be one of the most critical points that had been raised at that stage of the Bill. The phrase "common employment" had sprung from that decision, and as to any case other than within the scope and purview of that decision it was a very bad phrase. It expressed the idea that men working together in one employment had far better chance of avoiding danger than when employed in any other way. Therefore, it was thought not reasonable that they should have a right of action for injuries which, upon that hypothesis, they had as good a chance of avoiding as the master himself. The phrase then gradually became extended to cases to which the logical conception involved in it had no relation whatever. The present Bill was the offspring of that phrase, because Railway Companies very soon began to find that the term "common employment" gave them immunity from liability to which they were subject, and applied it to cases where it had no reasonable application. Then came another legal conception; the doctrine of implied contract. It was then said that every workman entering into dangerous employment contracted and subjected himself by implied, if not by actual, contract, to run the risks involved in that employment. He believed that to be a legal conception far safer than the other, but open to certain obvious

objections. Between these two doctrines the conviction had grown up in the minds of workmen that they were suffering from grave and serious injustice, and out of that conviction had grown this legislation. Hon. Members, who invariably pleaded the cause of workmen, entirely declined to go into the real merits of the case, and test by argument whether the arguments on the other side were sound or not. He was in the unfortunate position that he could not invite the Committee to re-consider or negative the decision arrived at by the second reading of the Bill. The second reading determined that some change should be made in the law. His hon. Friend behind him (Mr. Barnes) had now raised the question as to how far that change was to go. How far down in the scale of agency was this new liability to be taken and enforced against the employer? He knew the conclusion was forgone, and was, therefore, reluctant to enforce the arguments against it. He would not shrink from dividing with his hon. Friend; but he wanted to call the attention of the Committee to the real scope and purport of the Amendment. The workman said — "You admit that a man superintending his own business is liable; I am serving not a small employer, but a large employer, and, because he never comes near his works, I am in a worse position than the servants of a small employer." If that was a further ground for introducing this Bill, the Amendment proposed would certainly meet the case. For his hon. Friend proposed that, whenever there was delegation of employment to persons who had to discharge towards workmen duties which the employer himself, if he were a small employer, would discharge, in regard to the action of such persons alone should the master be responsible. If his hon. Friend thought fit to divide the Committee he should go with him, as a protest against the length to which the Bill went in imposing liability on the employer for the acts of others. He did not think the Government appreciated the length and the minuteness to which the Act would go; and he thought by this Bill they were running great risk of doing more harm than good, and of defeating the object they had in view by paralyzing the exertions of capitalists and injuring

*Sir Henry Jackson*

essentially unjust law. He had not heard anyone raise that point, or attempt to defend the law which made any man liable to anybody for the negligent acts of his servants. Why should that be so? If a man used every effort in his power to select and secure good servants, why, in justice and common sense, should he be held liable to the extent of his whole fortune for injuries inflicted by the negligent acts of his servants? To take a familiar instance, a small shopkeeper, who had done his best to secure a good and careful servant, employed a person to drive his cart about the town; somebody in a good position was injured by the negligent act of that servant. Why, in the names of reason and common sense, was the shopkeeper to be liable to the extent of his fortune for a negligent act over which he had no control? He had done his best to secure a good servant, and no blame could be attached to him in respect of the negligent act of his servant. He was not morally responsible in the least; but he was made responsible, in law, to the extent of the last penny he possessed. Could any hon. Gentleman on either side of the House defend that proposition and say that was good law? And yet what was desired by one section of politicians was that the law should be made worse than it was by extending it and rendering greater the liability of the employer; he was to be made liable not only to the outside public, but to his servants. He believed the view which was entertained by those who adopted the theory that the servants of an employer should be placed in the same position as the outside public was a view founded altogether upon sentimentality, and had no foundation whatever in truth and good sense. But what was the view presented to the Committee by the Government? The Government had not adopted either theory; either theory was intelligible, but the Government introduced a sort of half measure. They proposed to make an exception, and that employers should not be liable for the acts of all their servants. The consequence was that where there was confusion before the Government made that confusion infinitely worse. The Bill was not to apply to domestic servants, nor to seamen, nor to a variety of other persons. But the truth of the matter was that when they

came to consider that measure of the Government it was a measure introduced, not because the Government felt convinced that servants ought to be placed upon the same footing as the outside public, but because the Government, or Members of the Government, had made promises to their constituents, and they felt themselves bound to carry out those promises. The effect was that the Government, or the Members of the Government, were afraid of the opposition which they would receive from the working men of the country. They had consented to truckle to the working men of the country. They had brought forward the Bill, not because they thought it was a good Bill, and not because they thought it would do any good to the public, but because they thought it would be a sop to the working men who were clamouring for it. With regard to the Amendment under Notice he did not think that it was framed in the best terms. He thought another Amendment might be introduced which would more definitely lay down the limit beyond which the Bill was not to extend. ["Hear, hear!"] He did not wish to occupy the time of the Committee at any greater length. His hon. and learned Friend the Attorney General seemed to intimate by his cheers that he (Sir John Holker) was in a great minority; but he should support the Amendment of the hon. Member for East Derbyshire, if he would take a division upon the question, because he thought that if the Amendment were carried out, it would show that the sense of the Committee was in the direction of limiting the Bill so as to make it a just Bill. He was thoroughly convinced that if not so limited the Bill would produce nothing but disaster to the industries of the country.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that he had heard, with great regret, the speech just delivered by his hon. and learned Friend the late Attorney General (Sir John Holker). The Bill which the Government had now introduced related to a subject which the late Administration had, in two successive Parliaments, attempted, although unsuccessfully, to deal with. The Bills which they introduced on this subject were only carried to a certain stage, and then dropped. They had had an opportunity of solving this question, but had failed; they had

## ORDERS OF THE DAY.

EMPLOYERS' LIABILITY *(re-committed)*

BILL—[BILL 209.]

*(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.)*COMMITTEE. [*Progress 3rd August.*]

Bill considered in Committee.

*(In the Committee.)*

Clause 1 (Amendment of law).

Amendment again proposed, in page 1, line 9, sub-section 2, to leave out the word "any," in order to insert the word "the" in place thereof.—*(Mr. Barnes.)*

Question proposed, "That the word 'any' stand part of the Clause."

MR. THOMPSON said, that he did not rise for the purpose of making a speech. Some speeches were amusing, some were provoking, and some were fascinating; but he thought there were very few speeches which were persuading. He rose for the purpose of endeavouring, if possible, to persuade the Committee to adopt the Amendment of his hon. Friend. The object of the Amendment was to limit the liability of employers. He would give an illustration of what he meant. Sir George Elliot, a gentleman very well known and thoroughly conversant with the management of coal mines in the North of England, and to whom their management was largely intrusted, became convinced, after a series of experiments, that the best material for drawing men and coals from the bottom of the pit to the surface was wire rope. Up to that time hempen ropes only had been used. But when Sir George proposed to introduce wire rope the men determined that they would not descend by it. Sir George Elliot thereupon had a wire rope put to one shaft and a hempen rope to another, and gave orders to all in his employment, forbidding them to descend by the shaft with the wire rope, from his knowledge of human nature well knowing what would happen. The colliers, who were going to work in the pit the morning after these orders were given, were accompanied by their viewer, who said—"Let us show master that we are not afraid to descend by the wire rope."

Thereupon, with the consent of the viewer, they all descended by the wire rope, which bore them safely to the bottom. But supposing an accident had happened, and this Bill without the Amendment had been law, the owner of the colliery, notwithstanding the express order of his chief manager to the persons placed in authority, would have been liable to compensate all those men for any injuries sustained by them. He would appeal to the Committee as to whether that was right. The Bill provided that in the case of accidents happening by reason of the negligence of any person in the service of the employer, who had superintendence intrusted to him, the employer should be liable. In the case he had mentioned, notwithstanding the express orders of the manager, a person "having superintendence" gave instructions to the men to descend by the wire rope. If the Amendment of his hon. Friend (Mr. Barnes) were adopted, and the word "the" were put in instead of "any," the owner would not be liable, because the men acted in opposition to the orders of the person "intrusted with superintendence." He would detain the Committee but a few minutes longer; and he would ask hon. Members if they knew at what period this extreme liability was being placed upon coal owners. He would undertake to say that the thousands of pounds invested in the coal trade had not, during the last three months, produced one farthing of profit, and to that depression in trade they were going to add a further liability. The men who were employed in the coal mines could not find employment in any other capacity; and if the liabilities of the employers were to be so much increased no doubt many of the mines would have to be closed. He knew that there were persons who professed to be the friends of the working men of England, who stated that they would be glad when the working classes were relieved from working in such places as coal mines. Those persons said that the miners ought to be encouraged to go to Canada or Australia, and obtain a better kind of employment. A short time ago he was asked to take some part in a meeting which was to be addressed by Mr. Joseph Arch, who, as was well known, was a zealous and earnest friend of the working classes. Mr. Arch ad-

subjected to. He did not conceal from himself that it would be extremely difficult to say for what superintendence the employer was to be liable. Any assistance in settling that question in a fair and proper way, in accordance with the principles of the Bill, the Government would be ready to accept from whatever quarter it might come. He could not help thinking that they had better deal at once with the Amendment now before the Committee.

SIR ANDREW FAIRBAIRN said, that he should like to say a few words upon this subject for a five-fold reason; in the first place, he was an employer of labour; in the second, he was a railway director; thirdly, he was interested in a colliery; fourthly, he was a farmer; and, fifthly, he was a barrister. He was sorry that the Government did not see their way to granting the employers of labour this little alteration in the Bill. He would give a good reason why he said that. He had in his employment a foreman, and under that foreman were 14 or 15 overlookers. To take the case of a man who was employed under one of those overlookers; he was quite ready to be responsible for that overlooker; but supposing a workman, on his way to the grindstone to grind his tools, was asked by one of the overlookers in whose department he was not employed to do work for him, that would not be doing his legitimate work. Supposing an accident happened while doing that work, he (Sir Andrew Fairbairn) maintained that as that man was not doing his legitimate work it was not fair to make the employer liable for what happened to him. For if that were the case the workman might say he had 14 or 15 overlookers as masters instead of one. He had the greatest wish to help the Government in carrying this Bill through; he had voted for the second reading of it. He was still in favour of the Bill; but he hoped that the right hon. Gentleman who had charge of it would consider that there was something in the arguments brought forward in favour of narrowing the Bill, and would put some limitations upon it. He trusted that the Government would allow the very small alteration now proposed to be made—namely, substituting the word “the” for “any.”

SIR H. DRUMMOND WOLFF said, he hoped that the hon. Member for

East Derbyshire (Mr. Barnes) would not press his Amendment to a division. He fully concurred with the hon. and learned Member for Christchurch (Mr. Horace Davey) that, if the Amendment were adopted, it would make the Bill utterly unintelligible. It was perfectly clear that if the Amendment were adopted, it would be altogether impossible to determine the actual individual for whose superintendence the employer was liable. It seemed to him the only way in which the Bill was really intelligible was as it now stood.

MR. J. W. PEASE said, that the great difficulty they had in this clause was with regard to the meaning of the word “superintendence.” He thought that the hon. Member for East Derbyshire (Mr. Barnes) would act wisely by withdrawing his Amendment, and confining his attention to introducing a definition for the term “superintendence” at the end of the Bill.

MR. WARTON said, he was anxious to avoid the temper and angry feeling which characterized the speech of the hon. and learned Gentleman the Solicitor General. What they had to do then was calmly to consider the effect of the proposed Amendment. He considered that if they inserted “the” in place of the word “any” in the clause, without any alteration in the subsequent part of the sub-section, there might be some objection to the Amendment. He thought, therefore, that after introducing “the” in place of “any” they should afterwards say “the person in the service of the employer who has superintendence over the work intrusted to him.” The objection taken by the hon. and learned Gentleman the Solicitor General was that a small employer had one superintendent, and that a large employer had more, and he said that the large employer would have a much less liability than the small one. He did not suggest that the exact words he had mentioned should be inserted; but he thought that some such Amendment should be introduced which should identify the person for whom the employer was to be liable, with an actual superintendence over the workmen. It often happened that different superintendents had precisely ascertained bodies of workmen under them.

SIR HARDINGE GIFFARD said, that he would suggest to the hon. Mem-

to him that if the Amendment of the hon. Member for East Derbyshire (Mr. Barnes) were adopted, so much would the scope of the Bill be narrowed that they would have to re-cast it entirely. It would be necessary to introduce a clause specifying the person intended as the person having superintendence, for whose negligence the employer would be liable. It seemed to him that having got so far with the Bill they ought not to adopt this Amendment, which he was bound to say he thought would unduly narrow the scope of the Bill. He should be prepared to adopt the Amendment to be moved by the hon. Member for Stafford (Mr. Macdonald) to abolish the defence of common employment; that would be both a simpler and a more logical thing than what was now proposed. They had now, however, to consider the Bill as it had been brought in by the Government, and they must endeavour to carry out the principle it involved in detail. He certainly hoped that the Amendment would not be accepted.

MR. BARNES said, that he maintained that accidents in mines were a hundred times more frequent and more disastrous than accidents in any other employment. As the clause now stood, the liability of colliery owners for accidents in their mines would be most gigantic. He had mines extending four miles in one line, and it was necessary to appoint a number of persons to superintend those different workings. If they were to make the colliery owners responsible for every person superintending any part of the working, a most monstrous responsibility would be thrown upon the colliery proprietor. He hoped that the clause would not be allowed to pass in its present shape.

SIR JOHN HOLKER said, that the hon. and learned Member for Christchurch (Mr. H. Davey) had stated that this was a proposal which was well considered on the second reading of the Bill; but he (Sir John Holker) thought that was hardly accurate, for in the speech of the right hon. Gentleman the Prime Minister introducing the Bill, he left it to be assumed that the only principle carried into effect by the Bill was that some alteration in the law was necessary. He said that something must be done, and he left it to the House to determine afterwards what alteration of

the law was necessary. The Amendment of the hon. Member for East Derbyshire (Mr. Barnes) seemed to him (Sir John Holker) to raise the most important questions that had yet been brought forward. There could be no doubt that the law on this subject did require some alteration. It had been very ably pointed out by the hon. and learned Baronet the Member for Coventry that alteration was no doubt required; but when they came to the extent, and scope, and limit of that alteration they found that they were dealing with a question of vast difficulty. No doubt, it would be only just that he who did not conduct his own business himself, but deputed the management of it to another, constituted him his *alter ego*, should be held liable not only to the outside public, but to his own workmen for injuries caused through the negligence of the person deputed to manage his business. It was quite obvious, therefore, that great corporations, who could not manage their own business, being, as they were in truth, mere abstractions, ought to be liable for those who controlled and managed the different branches of their business. That was the alteration of the law which many hon. Members in that House had advocated, and that was the alteration in the law which the late Government thought ought to be made. In that opinion he fully concurred; but the great question was, should legislation go beyond that point. If it did go further, and they made such alterations as he had described, they would inflict most grievous injuries upon the industries of the country. That, at all events, was the view which was entertained by a considerable number of hon. Members in that House. On the other hand, it was said that they ought to make the laws equal as between, what he might call, the outside public and the workmen. It was said that they ought to place the workmen upon precisely the same footing as that occupied by strangers. That certainly was an intelligible proposition; but, in his opinion, if carried into effect, it would inflict most grievous wrong upon employers. They were not now seeking by that Bill to equalize the position of the workmen with that of the stranger. The truth was that the law that made an employer liable for all the negligent acts of his servants was, in itself, an

subjected to. He did not conceal from himself that it would be extremely difficult to say for what superintendence the employer was to be liable. Any assistance in settling that question in a fair and proper way, in accordance with the principles of the Bill, the Government would be ready to accept from whatever quarter it might come. He could not help thinking that they had better deal at once with the Amendment now before the Committee.

SIR ANDREW FAIRBAIRN said, that he should like to say a few words upon this subject for a five-fold reason; in the first place, he was an employer of labour; in the second, he was a railway director; thirdly, he was interested in a colliery; fourthly, he was a farmer; and, fifthly, he was a barrister. He was sorry that the Government did not see their way to granting the employers of labour this little alteration in the Bill. He would give a good reason why he said that. He had in his employment a foreman, and under that foreman were 14 or 15 overlookers. To take the case of a man who was employed under one of those overlookers; he was quite ready to be responsible for that overlooker; but supposing a workman, on his way to the grindstone to grind his tools, was asked by one of the overlookers in whose department he was not employed to do work for him, that would not be doing his legitimate work. Supposing an accident happened while doing that work, he (Sir Andrew Fairbairn) maintained that as that man was not doing his legitimate work it was not fair to make the employer liable for what happened to him. For if that were the case the workman might say he had 14 or 15 overlookers as masters instead of one. He had the greatest wish to help the Government in carrying this Bill through; he had voted for the second reading of it. He was still in favour of the Bill; but he hoped that the right hon. Gentleman who had charge of it would consider that there was something in the arguments brought forward in favour of narrowing the Bill, and would put some limitations upon it. He trusted that the Government would allow the very small alteration now proposed to be made—namely, substituting the word “the” for “any.”

SIR H. DRUMMOND WOLFF said, he hoped that the hon. Member for

East Derbyshire (Mr. Barnes) would not press his Amendment to a division. He fully concurred with the hon. and learned Member for Christchurch (Mr. Horace Davey) that, if the Amendment were adopted, it would make the Bill utterly unintelligible. It was perfectly clear that if the Amendment were adopted, it would be altogether impossible to determine the actual individual for whose superintendence the employer was liable. It seemed to him the only way in which the Bill was really intelligible was as it now stood.

MR. J. W. PEASE said, that the great difficulty they had in this clause was with regard to the meaning of the word “superintendence.” He thought that the hon. Member for East Derbyshire (Mr. Barnes) would act wisely by withdrawing his Amendment, and confining his attention to introducing a definition for the term “superintendence” at the end of the Bill.

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left it to their successors absolutely unsolved, and the present Government were doing their best to deal with it, and, in doing so, assistance of the most useful description might have been given to them by his hon. and learned Friend. But, instead of getting from him criticism, which would have aided them in solving the question; instead of his having given them criticism, which, coming from one of his ability, would have been of a most useful character, and beneficial to the Government, to the House, and to the country generally, they had got nothing but mere Party abuse. If there ever was a Bill which ought to be met in a different spirit from that which had been adopted by his hon. and learned Friend it was this one. This was a matter in which they had a right to expect, even from their political opponents, assistance in settling this difficult question. Were he in the position of his hon. and learned Friend, he should certainly give him all the aid in his power, in endeavouring to settle a question involving difficulties like these. The hon. and learned Gentleman had stated that the law which rendered a man liable for the negligent acts of his servants was an unjust law. That was a very wide question to discuss upon an Amendment of the sort under notice; but he (Sir Farrer Herschell) could not allow the challenge which had been thrown down to pass unnoticed. His hon. and learned Friend had challenged him, in particular, to say the law was otherwise than unjust. Whether that was so or not, it was the fact that it was the law in every civilized country in the world. Law drawn from such different sources, and having such a different origin, all contained that one doctrine, that a man was liable for the negligent acts of his servants; and he could not think that a law which had been arrived at by all civilized nations by different roads could be treated as obviously unjust. He entirely denied that the law was an unjust one. He was prepared to accept the challenge, and if the question had been raised when they were going into Committee upon the Bill he would have gone into it at length. Two Sessions ago, a Bill was introduced by the late Government, and, in introducing it, his hon. and learned Friend pointed out that it was utterly hopeless to attempt to alter the law with regard to

that question. He said that it was so interwoven with the practice of our daily life that it would be hopeless to attempt to alter it at the present day. That was his argument upon his own Bill, and it did not lie in his hon. and learned Friend's mouth to depart from it with regard to a Bill upon the same subject, introduced by the present Government. Then it was alleged by the hon. and learned Gentleman that the Bill could only be made just by limiting it in the mode proposed by the Amendment of the hon. Member for East Derbyshire (Mr. Barnes). Was that the proposal of the late Government? They did not propose to limit the Bill in any such way; on the contrary, they made the liability far wider. But now the hon. and learned Gentleman proposed to vote for an Amendment, which would limit the Bill far beyond what he proposed in his own Bill to limit it to. He regretted very much to hear his hon. and learned Friend, and it had not hitherto been his habit to suggest that in introducing a Bill of this description the Government had done so, not from a desire to do justice between man and man, not to make the law fair and just, but for the purpose of trucking to somebody. He (Sir Farrer Herschell) was thoroughly convinced that the existing law was unfair and unjust; and so much was even admitted by the hon. and learned Gentleman. The Government now sought to make it fair and just; and they did not think that that could be done by accepting the Amendment of the hon. Member for East Derbyshire, which proposed to limit the operation of the Bill. That Amendment limited the scope of the Bill, by making the employer liable only for the negligence of a single individual who had the superintendence. It was obvious that if they took the case of the small employer of labour, he was subjected to all the liabilities under which a large employer would be under the Bill. If the Amendment were adopted, the result would be this—a small employer, who might employ one superintendent, would be liable only for his act. But let him extend his works, and let him have several miles of mines, and several superintendents, and then his liability would be diminished in the same ratio that his business progressed. The consequence would be that the more profit a man made the less liability would he be

them now what class of persons were to be made liable.

COLONEL MAKINS said, he would like to know what would happen in cases where a superintendent was obliged to leave his post, and he put on someone else to perform his duties during his absence? Would the action of that substitution also make the employer liable for negligence? It was a very important point to be decided, because the man substituted might do the employer considerable injury.

SIR R. ASSHETON CROSS said, he must again appeal to the right hon. Gentleman who was in charge of the Bill to tell the Committee, either now or at some future time, how far he was prepared to go in the scale of service, and for what classes of persons did he desire to make the masters responsible? Could he not state the classes in each case? In regard to mines, for instance, would he be content with superintendents, or would he go down to overlookers and underlookers? Then, again, in the case of railways, would he be satisfied to stop at station-masters, or would he include guards and signalmen? These points must be cleared up if the Bill was to be satisfactory. If they were not, there would certainly be litigation, and the working classes would be disappointed to find that they had not got all that they expected. He did not wish to press the right hon. Gentleman to give an answer immediately; but would be quite satisfied if he would say, at some time in the future, who were to be superintendents in each class of case.

MR. E. J. REED said, he hoped the right hon. Gentleman near him (Mr. Dodson) would not suffer himself to be drawn into complying with any such impracticable suggestion. The question at issue was now fully before the Committee; and if any hon. Member was not satisfied with the Bill as it stood, it was quite open to him to propose any Amendment expressing his own opinion. It would, however, be reducing legislation to a perfect absurdity, if an hon. Member was expected to state who were responsible in relation to coal mines, and who were responsible in relation to shipbuilding yards, to ironworks, chemical works, and other industrial operations. Questions of that kind unfairly delayed the withdrawal of an Amendment which had been proposed some

time ago; and in his (Mr. E. J. Reed's) opinion, the Bill was not receiving fair treatment from hon. Gentlemen on the other side of the House. They were, certainly, needlessly prolonging the discussion. The right hon. Gentleman opposite (Sir R. Assheton Cross) had now twice, within a few minutes, asked the President of the Local Government Board to give a definition which, for his (Mr. E. J. Reed's) part, he hoped the right hon. Gentleman would not attempt to do at all.

SIR R. ASSHETON CROSS said, he must strongly object to the language that had been used by the hon. Gentleman who had last spoken. He had been accused of delaying the progress of the Bill. He had no desire to do anything of the kind. He simply asked the right hon. Gentleman to make a statement on this question, either now or at some future time. If he could not do it now, he (Sir R. Assheton Cross) would be satisfied to receive it on Report, or whenever it was convenient to the right hon. Gentleman; but it could not be the fact that it was impossible to make this statement, because the Bill introduced by the late Government did deal with the matter, and give the very details which he now desired to receive from his right hon. Friend.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he hoped his right hon. Friend the President of the Local Government Board would not give way. Just before the adjournment of the Sitting they were very nearly agreed on this question, and since they had met again they had very nearly settled it, when the hon. and learned Gentleman the Member for Preston (Sir John Holker) charged the Government with introducing this measure, not to settle the question, but to truckle to the constituencies. That was a charge which came from the Opposition, who had promised to give them assistance in passing this difficult measure, and it came with ill grace from the author of the previous Bill, which, certainly, was far more ambiguous than the present measure, and which had the effect of rendering the employer liable not for one but for several superintendents. The right hon. Gentleman opposite (Sir R. Assheton Cross) had said that these questions ought to be answered, and by pressing the Government to give an answer he certainly was de-

ber for East Derbyshire (Mr. Barnes) that it was undesirable to press his Amendment to a division. The view put forward by the late Government was that the liability of the employer should be confined to the person who represented the master. That view, he believed, had found favour with a great many hon. Members on both sides of the House. If this Amendment were pressed to a division it would place those who took that view in a difficult position. It did not seem to him that the Amendment carried out that view. It would lead only to technicality and obscurity, where all ought to be plain. The object of the Amendment should be to confine the responsibility of the master to those cases where a person employed by him had superintendence. It was very difficult to know what the person alluded to by the Amendment meant. It seemed to him that it would be highly undesirable to leave the question in so uncertain a position, and he would suggest that the Amendment should be reserved to some other period of the Bill. When moved then, it would really raise the question which would place the proposition contended for by the late Government—namely, that the responsibility only attached in the case of persons really representing the master—properly before the Committee.

MR. BARNES said, that he was willing to withdraw the Amendment.

SIR R. ASHETON CROSS said, that he rose for the purpose of asking for a reply from the Government to a question which had been put to them. The right hon. Gentleman the President of the Local Government Board had never yet told the Committee what class of people it was for whose acts the master was to be responsible. His hon. and learned Friend the late Solicitor General (Sir Hardinge Giffard) had exactly stated the principle for which the late Government contended, and he hoped that they should have a declaration from the Government as to whether they accepted that principle or not. Take one or two of the leading classes of trade, such as builders or railways, would the right hon. Gentleman tell the Committee what class of persons in those trades he desired to make the masters responsible for? It would be very desirable to have a classification under the heads of the different trades—railways, mines, the

building trade—showing exactly in those trades for whose acts the master was to be held responsible. He was sure that some classification of that sort would be absolutely essential before the Committee would be in a position to deal with this question.

MR. HUSSEY VIVIAN said, that he entirely agreed with what had fallen from the right hon. Gentleman opposite (Sir R. Asheton Cross). He hoped that before very long they should hear distinctly from the right hon. Gentleman in charge of the Bill who were the persons for whom the employers were to be responsible. He said the Amendment of the hon. Member for East Derbyshire (Mr. Barnes) would confine the liability of the employers to a narrow point. He thought, in all justice, there ought to be a limit to the liability. As it stood now, nothing could be broader than the words; the master was to be liable for the acts of any person whatsoever in his employ. Many men had superintendence intrusted to them by the master who were little removed from the class of labourers; and he should like to know whether the right hon. Gentleman meant to make an employer liable for the acts of that class of persons? If so, he thought he was laying a very unjust burden upon employers of labour. He thought that the Government had undertaken to deal with the question that struck at the most vital interests of the trade of the country. It was a question which ought to be dealt with in the most careful manner. He would appeal to the Government to tell the Committee distinctly for whom employers were to be liable, and for whom they were not to be liable. If the Government did not know the extent of the liability, then all he could say was that that Bill would extend it beyond anything they desired or contemplated. It was this attempt at legislation, without going fully and practically into the question, to which he had such an objection. He thought that these questions should have been more carefully considered. He doubted whether any one single Bill could deal with the vast interests of the employers of labour throughout this country. The cardinal defect and original sin of the Bill was that it made no discrimination between the interests of the different classes of employers of labour. He would appeal most earnestly to the Government to tell

them now what class of persons were to be made liable.

COLONEL MAKINS said, he would like to know what would happen in cases where a superintendent was obliged to leave his post, and he put on someone else to perform his duties during his absence? Would the action of that substitution also make the employer liable for negligence? It was a very important point to be decided, because the man substituted might do the employer considerable injury.

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SIR R. ASSHETON CROSS said, he must strongly object to the language that had been used by the hon. Gentleman who had last spoken. He had been accused of delaying the progress of the Bill. He had no desire to do anything of the kind. He simply asked the right hon. Gentleman to make a statement on this question, either now or at some future time. If he could not do it now, he (Sir R. Assheton Cross) would be satisfied to receive it on Report, or whenever it was convenient to the right hon. Gentleman; but it could not be the fact that it was impossible to make this statement, because the Bill introduced by the late Government did deal with the matter, and give the very details which he now desired to receive from his right hon. Friend.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he hoped his right hon. Friend the President of the Local Government Board would not give way. Just before the adjournment of the Sitting they were very nearly agreed on this question, and since they had met again they had very nearly settled it, when the hon. and learned Gentleman the Member for Preston (Sir John Holker) charged the Government with introducing this measure, not to settle the question, but to truckle to the constituencies. That was a charge which came from the Opposition, who had promised to give them assistance in passing this difficult measure, and it came with ill grace from the author of the previous Bill, which, certainly, was far more ambiguous than the present measure, and which had the effect of rendering the employer liable not for one but for several superintendents. The right hon. Gentleman opposite (Sir R. Assheton Cross) had said that these questions ought to be answered, and by pressing the Government to give an answer he certainly was de-

laying the progress of the Bill. He had declared that without an answer the meaning of the Bill could not be ascertained. He (the Attorney General) replied that the meaning of the Bill was to be found within the measure itself, and must only be found there. If hon. Members were not satisfied that that could be done, their proper course was to indicate their opinion by giving Notice of an Amendment which should make the meaning of the Bill more clear. If that were done, they might make some progress, instead of having discussions of this kind. That attempt to cross-examine a Minister could be of no benefit; because, even if his right hon. Friend would state what he considered to be the meaning of certain words, that would have no effect at all when the Act came to be construed, because the Courts and the Judges would take the words of the Act and put their own interpretation on them, and would not accept the interpretation of his hon. Friend. That was, in fact, an attempt to put a responsibility on the President of the Local Government Board which was, in reality, no responsibility at all.

Mrs. GORST said, that discussions after an offer to withdraw an Amendment had been made certainly seemed to him to be of the nature of obstruction; but, according to his experience, when the Members of the two Front Benches began to indulge in mutual recrimination, there was very little chance of any Business being done afterwards. He would suggest that this matter should be dropped, and that the Amendment should be withdrawn.

Amendment, by leave, *withdrawn*.

Mr. GREGORY moved, as an Amendment, in page 1, line 10, to leave out the words "who has," in order to insert the words "in the exercise of." His Amendment was only intended to make the meaning of the Bill more clear. Its effect would be to limit the employer's liability to accidents which occurred during the time that the employed were actually engaged in their work of superintendence.

Amendment *agreed to*.

Mr. WHITWELL said, he should propose, in page 1, line 10, to insert the word "specially" after the word "superintendence," in order to give a

*The Attorney General*

better definition to the meaning of that word.

Amendment proposed, in page 1, line 10, after the word "superintendence" to insert "specially."—(*Mr. Whitwell*.)

Question proposed, "That the word 'specially' be there inserted."

Mr. DODSON said, that he could not accept the Amendment, because it would tend to limit the operation of the Bill, and would interfere with its construction. The effect of it, as he understood it, would be to reduce the general superintendence of the sub-section to the special superintendence which was provided for in the next sub-section.

Amendment, by leave, *withdrawn*.

Dr. CAMERON said, he should like to insert the words, "over men and plant," in line 10. His object was to widen the scope of the superintendence contemplated in the Government measure.

Amendment proposed, in page 1, line 10, after the word "superintendence," to insert the words, "over men and plant."—(*Dr. Cameron*.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he could not agree to accept the Amendment, for it would be, in fact, to introduce almost a new principle into the Bill. The Amendment went a step further than the Government had proposed in the Bill now before the House, and as they could not accept it he hoped it would not be pressed.

Sir HENRY JACKSON said, he also wished to join in the appeal to the hon. Member (Dr. Cameron) to withdraw his Amendment. He hoped the Committee would be allowed at once to get to the next sub-section, which was the real battlefield of the Bill.

Mr. INDERWICK also supported the appeal for the withdrawal of the Amendment, observing that it seemed to him it could be far better discussed at a later stage of the Bill.

Amendment, by leave, *withdrawn*.

Mr. CRAIG, in moving as an Amendment, in page 1, line 10, after "him" to insert—

now about to refer. The litigation to which I allude will be with a view to the settlement of questions with regard to the negligence of one class of workmen as opposed to another class of workmen—that is, the Bill will require us to distinguish between the negligence of a variety of people employed in mines from the negligence of another larger section of those who are so employed. For example, as I have previously stated, everything in a mine which relates to safety is a divided responsibility between managers and workmen. Take, for instance, ventilation. There was an Amendment down on the Paper which provided for effective ventilation. Those words are inadmissible in this Bill, however desirable it may be to have them, and for this reason, they are too general. They go beyond the principle of the present Bill. Ventilation depends upon two classes of people—the manager and the workmen. Now, effective ventilation means a sufficiency of air to dilute the noxious gases produced in the mine. The absence of that air may arise either from the negligence of those intrusted with supervision, or it may arise from the negligence of the workmen who carry out the instructions of those persons. For example, mines are ventilated by downcast and upcast shafts, and in three cases during my experience I have found that the workman in charge of the furnace of the upcast shaft has fallen asleep and neglected his duty, and that the whole of the mine has, by consequence, become foul. Now, if an accident had occurred then, those injured would not, under this Bill, have been entitled to compensation. The air is distributed throughout the mine by stoppings and doors; the care of these doors is intrusted to people who too frequently neglect to shut those doors, and the ventilation becomes defective in consequence.

DR. CAMERON rose to Order. He asked whether the subject of insuring ventilation had anything to do with the Question before the Committee.

THE CHAIRMAN: The hon. Gentleman has a very extensive practical knowledge of the subject, and I do not think that he is out of Order.

MR. CRAIG: I should be exceedingly sorry to occupy unnecessarily the time of the Committee. I have paid a

good deal of attention to the subject, and I will not trouble the Committee with technicalities. I say it is frequently the case that those intrusted with the opening and shutting of doors in mines have neglected their duty. I found in *The Staffordshire Sentinel* of June 30th, the other day, a report to this effect, and it will fortify my statement—

“The door boys employed at the Clough Hall Colliery were yesterday charged with one of those breaches of colliery regulations which are sometimes the cause of catastrophes in which scores of lives are lost. They had, through sheer carelessness, left open the doors, which would seriously affect the ventilation of the mine. No degree of perfection in applying regulations can prevent explosions where *employés* are reckless.”

That is just what I have frequently found myself, and I daresay there is not a single hon. Gentleman present, who has had anything to do with mines practically, who will not have known similar cases. Under the present Bill, as it stands, no one who was injured would be entitled to compensation from his employer. Again, the air-ways may be perfectly constructed; but, should the men working in them be neglectful of their duty, or should they blunder, they may bring down such falls of roof as would partially stop the air-ways, and should they neglect their duty to give notice to the overman, an explosion might be the result; and, no doubt, explosions do occur from that cause. I ask the right hon. and learned Gentlemen who are connected with the Legal Profession, when an accident happens under such circumstances, whether it is possible to trace the cause of it so as to say whether it arose from the negligence of a fellow-workman or the negligence of the man intrusted with supervision? It would be utterly impossible, because there is no trace after an explosion by which you can ascertain the cause. Everything is destroyed. Should an accident have happened, when the boys mentioned in the paragraph I have read left open the door, how could you have possibly said whether it arose from defective air-ways, or defective attention on the part of those intrusted with supervision, or from the doors being left open? I might direct the attention of the Committee to timbering, in which there is also divided responsibility. I will not trouble you with details in regard to it; but questions arise before

fatal accidents; that would be on the number of people employed in 1879—58,380 injured persons. The next question is, what are the earnings? Now, I have taken £1 a-week as being like the average earnings of the whole of the mining population, because when you come to take out loss of time, and consider that there are a number of boys and unskilled labourers employed, it is probable that, in ordinary circumstances, that will not be far from the mark. This would give £150, as provided by the Bill, for the 973 cases; that amounts to £145,950. Five weeks' earnings of 58,380 injured persons, taken at 3-4ths of their earnings, which would be 15s. per week, would amount to £218,925, making a total of £364,875. That, Sir, would be, according to this calculation upon these facts, the whole amount that would be required to compensate the injured, and the representatives of those who lost their lives during that year. If we take that amount in connection with the tonnage of minerals produced, we find that it gives precisely 6-10ths of 1d. per ton, or a little over  $\frac{1}{2}$ d. Well, the next question is, what amount of that would be required to be paid by the employer if this Amendment be adopted? Now, the Amendment provides that he will be liable for the negligence of any person in his employ, except all those who contribute to their own injury or to the injury of anyone working in the same place as the person who has, through negligence, produced the injury. When you come to deduct those from the whole, and those which arise from purely accidental causes, as far as I am able to judge, it would be something about one-half; so that the employer, under this Amendment, would be subject to a payment amounting to something like 3-10ths of 1d. per ton. If we take the amount in connection with the persons employed, it would be 15s. 4d. per person per annum; and half that, which would be 7s. 8d., would be payable by the employer, so that, in round numbers, an employer would be able to insure 1,000 persons at something like £383 per annum. This is the method by which this conclusion has been arrived at, and I must submit the data to hon. Gentlemen present in order that they may ascertain whether it be valid or not. I shall not trouble the Committee with any

comments of my own, with regard to the question as to whether it would be a very embarrassing matter for the trade that those who embark their money in these speculations should be saddled with that liability. I will only state in connection with it that it is, in my opinion, a very small amount indeed, when compared with the fluctuations in the price of coal. We find that in 1871 the price of the Wallsend coal in London was 17s. 1d., in 1873 it was 30s. 9d., in 1875 it was 20s. 9d., and in 1877 it was 16s. Within those three periods of two years each, extending from 1870 to 1877, we have a difference of 13s. 8d., 10s., and 4s. 2d. per ton, and the increased liability for compensation under the Amendment would not exceed  $\frac{1}{2}$ d. per ton, and this would get rid of the necessity of distinguishing between the negligence of one class of workmen and that of another—in fact, of the certain conflicts which would take place between managers and workmen, and which may cost 1s. per ton, I would simply state my own opinion that I do not regard the compensation which would be had under this Amendment as a very severe thing to fall upon those whose capital is embarked in these enterprises. But I shall now proceed to deal with another series of facts which relate to what I do consider a most serious objection to the Bill, and that is the objection that it will give rise to most expensive and embarrassing litigation.

**THE CHAIRMAN:** Does that question arise upon the Amendment?

**MR. CRAIG:** The very object of the Amendment is to prevent litigation. As I stated at the opening of my remarks, the Amendment is intended to grapple with that question of litigation; and I trust I shall be able to satisfy the Committee very shortly, by stating facts, not merely hypothetical propositions, but facts which have occurred from time to time, which will leave no doubt whatever as to the validity of the conclusions at which I have arrived. The litigation that I refer to will arise upon the question of divided responsibility. I do not refer to those Amendments which have been dealt with in the earlier part of this evening. I am quite aware that questions will arise upon those Amendments which would be difficult to settle in Court, but they will be of much less importance than these to which I am

Court, not to prove the manager guilty of negligence, but to prove, in nine cases out of ten, that his fellow-workmen had been guilty of negligence. Now, they are not willing to do that. I have had experimental knowledge of all the three classes—workmen, managers, and employers—and I can say that workmen have great reluctance to deal with their fellow-workmen in such a way as that. They would, therefore, be very ready to say to the employer—"We will join you in your proposal;" and if they did not do so at once they would do it very soon afterwards. So the relations of the two would be materially altered for the better. Well, Sir, inasmuch as my proposals would facilitate insurance, inasmuch as the expense involved to attain that and get rid of litigation is so trifling, inasmuch as the disturbance of the relations between the two parties would be so exceedingly embarrassing and so destructive to trade, I propose the Amendment which stands in my name. I trust the Committee will consider the facts that I have laid before them. We have a good deal about law and about logic; but let us consider the facts as they arise, and, without coming to a hard and fast logical conclusion, see what the general tendency would be, because, after all, every economical question must turn upon that. You cannot have an absolute conclusion. You may begin with facts; but your conclusion will be more or less hypothetical. I trust the Committee will consider this Amendment, and, if it be adopted, I believe it will result in great good to the workmen; that it will be satisfaction to the employer; and, more still, that it will be for the general good of the community. It will be for the general good, because every injured man and his family have to be maintained now, and the consumer of coal has to largely help in maintaining them by means of poor rates and charitable contributions; but, by making the provision I propose, no one would be the poorer, at least not appreciably, and the workpeople would be very materially benefited.

#### Amendment proposed,

In page 1, line 10, after "him" to insert "or in mining or other dangerous employments where it may be impossible or difficult to trace the causes of accidents, by reason of the negligence of any person in the service of the employer, except such workmen as may be en-

gaged in the same working place, and working together as partners with the person injured."

—(Mr. Craig.)

Question proposed, "That those words be there inserted."

MR. DODSON said, he hardly knew whether the Amendment just moved was to stand by itself independently of any other, or whether the hon. Member connected it with the clause relating to insurance of which he had given Notice.

MR. CRAIG: I propose afterwards to move the insurance clause; but I will explain it when the proper time arrives. At present I simply point out that the adoption of the Amendment would facilitate an arrangement between employers and employed. If the employer did not get the workman to insure, he might himself insure against liability for the negligence of his subordinates. He cannot do so now, because he cannot do anything without compromising the matter, and acknowledging his manager's negligence. The two clauses are not necessarily connected with one another. I should like the present Amendment carried as it stands; but I should prefer them both to be adopted.

MR. DODSON said, he could only deal with the Amendment as it stood, apart from the other. If the hon. Member wished the two to be connected, his course would have been to have waited till the clauses of the Bill had been gone through, and then to have proposed the new clause. The hon. Member had not, however, done so; but had proposed the present Amendment by itself, irrespective of that which was to follow after. He (Mr. Dodson) observed, with regard to it, that the hon. Member confined himself to mining or other dangerous employment; and that expression seemed to him to be very vague, and it would be difficult to say concerning it what idea could be attached to it. Then, again—

"By reason of the negligence of any person in the service of the employer, except such workmen as may be engaged in the same working place and working together as partners with the person injured."

Now, so far as a mine or other dangerous employment were concerned, the Amendment very extensively widened the liability of the employer under the Bill. Was that the intention of the hon. Member?



magistrates' courts almost every day, as to whether those intrusted with the bringing up of timber to the places have neglected to do so, or whether the timber has been improperly set, or neglected by the men. The same problem arises in connection with shafts; and throughout mining operations in everything that relates to safety it will be utterly impossible to distinguish between the negligence of those for whom this Bill proposes that the employer shall be liable, and those whom it excludes. I am sure that when my proposal is considered, it will be clearly seen that I, at least, do not object to a man getting compensation. If this timely concession be made I believe the effect will be very beneficial. It is a very small matter, amounting, perhaps, to a little more than  $\frac{1}{2}$ d. per ton; on the other hand, the disturbance of the good relations between managers and workmen may result in a loss of 1s. per ton. I have known, on several occasions, when we have had to reduce wages, there has been an increase of 8d. to 1s. per ton, in cost, lasting for months. That is simply because the best men leave the place. The managers get into disrepute with them, and the mine is badly worked. This Bill will produce the same effect, because, as soon as you have managers and workmen confronting each other in Courts of Justice, to decide whether the negligence lies with one party or the other, it will result in this—that either the manager must leave, or the men. There may be no expressed dissatisfaction; but when their mutual relations are disturbed it is not the amount of compensation multiplied by 10 that will measure the evil effect produced. I must say, as an employer, that I have considered the matter very carefully, both with reference to my own interests and those of the workmen, and I think that true economy, in dealing with the workmen, lies between what may be called niggardliness and sentimental profusion. I believe that the small concession which I propose would turn out to be a very rational one, and would lead to a solution of a matter of the greatest difficulty in connection with this measure. When one talks this matter over with employers, they say—“You are aware that you must have something like an insurance fund to cover all accidents, and if you give this

concession, will not the men be so satisfied with it that they will be induced to resist insurance?” My opinion is that it would have the opposite effect. The whole question that we are considering is one of relations, and I would ask the Committee to bear in mind that this is always a more difficult question to settle than a question concerned only with one thing. You may easily determine the position of a workman; you may easily determine the position of a manager; but it is a very difficult and nice question to determine the relation between a workman and his master, and any disturbance of that relation is a most serious matter. I will now consider this subject in relation to insurance, and let us see what the effect will be. If an employer goes to his workmen, when this Bill has passed, supposing that it will pass as it is, they would not meet in a kindly spirit to talk over the question of insurance. The workmen would be ready to say—“You have dealt very hardly with us; you have kept back all the compensation you could; we are advised that we are suffering from the negligence of your managers, and we will see whether that is so or not as opportunities arise.” Then the object of the workman in a Court of Justice would be to prove the manager negligent, because upon that would depend his receiving compensation. The object of the employer would be to defend and retain his manager, because his social existence depends upon his doing so. If he is proved guilty of culpable negligence once or twice, he will not only lose position before society, but before his workmen. It would be social and professional annihilation; but if my proposals were adopted the master and his workmen would meet together in a more kindly spirit. The employer could say that he had not been niggardly, and that he had considered the question in a rational and kindly manner; and what he had to propose would, no doubt, receive consideration at the hands of the workmen. But suppose the workman refused to join in an insurance scheme, the employer would be able to point out to him that he would get no more by going to Court than what he (the employer) proposes to give, and that the workman's position and his own in Court would be very materially changed; and workmen would go into

ployer, except such workmen as might be engaged in the same working place and working together as partners with the person injured."

That Amendment was divided into two parts; the first of which made the employer liable, where it was impossible to trace the cause of the accident, by reason of the negligence of some person in the service of the employer. The exception to that liability formed the second part of the Amendment; in case the accident was caused by the negligence of the person engaged in the same working place and working as partners with the person injured, then the Amendment declared that the employer was not to be liable. He would point out that the exception would only come into operation when it was undoubted that the accident arose by reason of the negligence of a person engaged in the same place as the person injured. He could not understand the limit which the hon. Member sought to place on the greatly enlarged liability of the employer.

SIR HENRY JACKSON said, that on the Motion for going into Committee on this Bill he was in favour of its being referred to a Select Committee. That was merely an invitation to the Government, which he deeply regretted they had not accepted, to send the Bill to a Select Committee instead of discussing it there. He would take the opportunity of stating that that was an earnest invitation, made in good faith to help the Bill, and if it had been adopted they would have now been discussing a Bill which had been carefully considered by a Select Committee upstairs. He denied that, in making that proposition, they divided against the principle of the Bill; it was simply an alternative proposition for the purpose of working out the details of the measure. He would remind the Government of the position assumed by those who did not like this legislation, but who had not divided against the principle of the Bill upon the second reading; they had done so on the distinct understanding that the Government would not take up the principle of the Bill of the hon. Member for the Borough of Stafford (Mr. Macdonald)—namely, the abolition of the doctrine of common employment. The Amendment now moved proposed to extend the principle of that Bill further, if possible, than the Bill of the hon. Member for the Borough of Stafford,

with regard to those special industries most liable to inevitable accident. It was proposed with regard to those industries, whenever it was impossible or difficult to find out how the accident happened, or wherever the accident was so fatal as to destroy all trace of what caused it, that they were not to be satisfied with the limited liability proposed by the Government, but were at once to make the employer liable for the consequences of that accident. The only exception to the rule that the employer was to be liable in such cases was, whenever it could be proved that the accident was caused by some persons engaged in the same working place as partners with the person injured. That was hardly any protection at all to the employer, inasmuch as whenever the cause of the accident was impossible or difficult to trace, it would also be impossible to prove that it had been caused by a fellow workman or partner with the person injured. He regarded the extent of the employer's liability now proposed as perfectly appalling; and he earnestly hoped that the Government would adhere to their determination, and would not accept the Amendment, which was quite inconsistent with the principle of the Bill.

LORD RANDOLPH CHURCHILL said, that if he understood the object of the hon. Member (Mr. Craig), who had moved this Amendment, it was to have a twofold effect. First, he wished to prevent the litigation, as far as possible, which was likely to arise in consequence of the provisions of the Bill, as it stood; and he wished, secondly, by extending the liability of the employers, to force them to adopt a general system of insurance. What the hon. Member was endeavouring to point out to the Committee was that, according to the Bill as it now stood, the employer was liable only when it could be shown that an accident which caused injury was due to the personal negligence of some person in authority. It would be difficult when the Bill was passed into law to prove that. The mineowners would naturally consult and combine together how they could protect themselves from serious damage by reason of this Bill. If they adopted the principle that accidents arising from undiscoverable sources entailed liability on the employers, it would be easy for them to make calculations as to

MR. CRAIG said, he was about to add that he was not sufficiently acquainted with the Orders of the House to determine whether it would be admissible to allow the two Amendments to remain over for consideration in connection with each other. He would prefer that course.

MR. DODSON said, he thought that had been the intention of the hon. Member.

MR. CRAIG said, he wished to explain that one clause was not necessarily to be taken with the other. Supposing the insurance clause was not carried, he desired to carry the first Amendment; but his chief wish was to carry both.

MR. DODSON said, the Amendment would extend the liability of employers in regard to mining and other dangerous employment beyond the intention of the Bill, and was, so far, establishing the principle of the Bill of the hon. Member for Stafford (Mr. Macdonald). He (Mr. Dodson) had stated to the House, in introducing the measure, that the Government did not accept the principle of the Bill of the hon. Member for Stafford; and for that reason if, for no other, he could not accept the Amendment before the Committee.

MR. GORST said, he was obliged to remark that the right hon. Gentleman had scarcely appreciated either the speech or argument of the hon. Member (Mr. Craig) in support of his Amendment. As far as he (Mr. Gorst) could make out, the objection of the right hon. Gentleman to the Amendment was that certain expressions in it were vague, and at that objection he was really astonished. If the Amendment was vague it was only in keeping with the rest of the Bill. But he did not think that the Amendment was vague. He would not say that the hon. and learned Gentleman the Attorney General might not be able to devise a neater form of expression which would convey the meaning of the hon. Member; but the meaning of the hon. Member was conveyed in perfectly clear language. The hon. Member meant the Amendment to apply to mines and the kind of employment which so far destroyed traces of the cause of accident in such a way as to make it impossible to fix the responsibility on any particular persons; and he pointed out that, unless some special legislation were enacted, there would be endless disputes, and

law suits between the masters and men as to the causes of accidents. He understood the Amendment was intended to put an end, once for all, to the endless disputes which were likely to spring up from the kind of accidents referred to. It seemed to him to be a point extremely worthy of the consideration of the Government in Committee, whether something could not be done in employments of that character to prevent the litigation which was otherwise certain to ensue. No doubt, the Amendment expressed the liability of employers of the kind alluded to. But many hon. Members did not much object to that. Of course, the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson) saw in every proposal of that kind something that he would oppose. But it did not extend the liability to the acts of workmen who were, in any sense whatever, fellow-servants of the person injured. He (Mr. Gorst) supposed workmen who were not engaged in the same working place were not, in any proper sense, fellow-workmen of the person injured. Therefore, it appeared to him that, apart from the question of insurance, which the Committee might or might not adopt, the Amendment would deserve consideration, at least on the part of the Government, certainly more consideration than it had received.

MR. BROADHURST said, that he hoped the Government would accept the Amendment. If the Government would be good enough to accept it, he must ask them to do so without in any way pledging themselves—at least, he would not pledge himself—to accept the Amendment of his hon. Friend, which was to be proposed at a later stage. The two Amendments of the hon. Member had no relation whatever to each other; and he did not think that the acceptance of the first would, in the slightest degree, infer the acceptance of the second Amendment. This Amendment embodied the principle that they had been contending for for the last six years, with regard to compensation.

SIR JOHN HOLKER said, that the hon. Member for North Staffordshire (Mr. Craig) wished to extend the liability of the employer in the case of—

“Mining or other dangerous employments, where it might be impossible or difficult to trace the causes of accidents by reason of the negligence of any person in the service of the em-

ployer, except such workmen as might be engaged in the same working place and working together as partners with the person injured."

That Amendment was divided into two parts; the first of which made the employer liable, where it was impossible to trace the cause of the accident, by reason of the negligence of some person in the service of the employer. The exception to that liability formed the second part of the Amendment; in case the accident was caused by the negligence of the person engaged in the same working place and working as partners with the person injured, then the Amendment declared that the employer was not to be liable. He would point out that the exception would only come into operation when it was undoubted that the accident arose by reason of the negligence of a person engaged in the same place as the person injured. He could not understand the limit which the hon. Member sought to place on the greatly enlarged liability of the employer.

SIR HENRY JACKSON said, that on the Motion for going into Committee on this Bill he was in favour of its being referred to a Select Committee. That was merely an invitation to the Government, which he deeply regretted they had not accepted, to send the Bill to a Select Committee instead of discussing it there. He would take the opportunity of stating that that was an earnest invitation, made in good faith to help the Bill, and if it had been adopted they would have now been discussing a Bill which had been carefully considered by a Select Committee upstairs. He denied that, in making that proposition, they divided against the principle of the Bill; it was simply an alternative proposition for the purpose of working out the details of the measure. He would remind the Government of the position assumed by those who did not like this legislation, but who had not divided against the principle of the Bill upon the second reading; they had done so on the distinct understanding that the Government would not take up the principle of the Bill of the hon. Member for the Borough of Stafford (Mr. Macdonald)—namely, the abolition of the doctrine of common employment. The Amendment now moved proposed to extend the principle of that Bill further, if possible, than the Bill of the hon. Member for the Borough of Stafford,

with regard to those special industries most liable to inevitable accident. It was proposed with regard to those industries, whenever it was impossible or difficult to find out how the accident happened, or wherever the accident was so fatal as to destroy all trace of what caused it, that they were not to be satisfied with the limited liability proposed by the Government, but were at once to make the employer liable for the consequences of that accident. The only exception to the rule that the employer was to be liable in such cases was, whenever it could be proved that the accident was caused by some persons engaged in the same working place as partners with the person injured. That was hardly any protection at all to the employer, inasmuch as whenever the cause of the accident was impossible or difficult to trace, it would also be impossible to prove that it had been caused by a fellow workman or partner with the person injured. He regarded the extent of the employer's liability now proposed as perfectly appalling; and he earnestly hoped that the Government would adhere to their determination, and would not accept the Amendment, which was quite inconsistent with the principle of the Bill.

LORD RANDOLPH CHURCHILL said, that if he understood the object of the hon. Member (Mr. Craig), who had moved this Amendment, it was to have a twofold effect. First, he wished to prevent the litigation, as far as possible, which was likely to arise in consequence of the provisions of the Bill, as it stood; and he wished, secondly, by extending the liability of the employers, to force them to adopt a general system of insurance. What the hon. Member was endeavouring to point out to the Committee was that, according to the Bill as it now stood, the employer was liable only when it could be shown that an accident which caused injury was due to the personal negligence of some person in authority. It would be difficult when the Bill was passed into law to prove that. The mineowners would naturally consult and combine together how they could protect themselves from serious damage by reason of this Bill. If they adopted the principle that accidents arising from undiscoverable sources entailed liability on the employers, it would be easy for them to make calculations as to

the average amount for which they would be liable; but if the employers were only liable for a certain class of accidents, uncertain and irregular in their incidence, and difficult to determine exactly, it would be almost impossible to calculate the insurance which would be necessary to provide against liability from them. It was not only possible, but probable, that the increase of the sum which might have to be provided by the employers, by the extension of the liability of mineowners to provide compensation in cases of accidents, which would be thrown upon them if this Amendment was accepted, would bear no proportion whatever to the loss and injury that the interests of the employers would suffer in consequence of litigation which would certainly arise under the Bill as it stood. It seemed to him to be the object of the Amendment to put the employers into such a position as to force them into a general and combined system of insurance. He thought that the Amendment merited very careful consideration from the right hon. Gentleman the President of the Local Government Board.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that, whether right or wrong, the Government had decided not to accept the principle of the Bill of the hon. Member for Stafford (Mr. Macdonald)—namely, the abolition of the doctrine of common employment. They were now asked to accept the principle of that Bill in a very objectionable form. In his (the Attorney General's) opinion, the Amendment embodied, in an exaggerated form, all those difficulties and evils which would arise from the Bill of the hon. Member for Stafford, and from the litigation which would be its result. Had they accepted the Bill of the hon. Member for Stafford, an employer would have been liable for injury to all workmen resulting from the acts of their fellow-servants. Supposing that negligence was proved, an employer would, at all events, have known what he had to expect. He would point out how this matter would work. All cases of injury would have to be submitted to a jury; and before a man could recover, when injured by the act of a fellow-workman, he would have to show that he was in a mine or other dangerous employment. The first question would be—was it a mine or dangerous employment?

The plaintiff would also have to show, to the satisfaction of the jury, that it was impossible or difficult to trace the cause of the accident. Juries were very apt to say that it was difficult to trace the cause of the accident; and that would probably, in most cases, be assumed against the employer. Theoretically, an employer would be made liable for the negligence of all persons in his employ, and very great litigation would result. He did not wish to detain the Committee at any greater length, and he would only state that the Government could not accept the Amendment.

MR. INDERWICK said, that his suggestion was to leave out the words—

“And other dangerous employments where it may be impossible or difficult to trace the causes of accidents.”

The hon. Member for North Staffordshire (Mr. Craig), in introducing the Amendment, described certain classes of employment of which mining was the principal. Therefore, if the hon. Member accepted his (Mr. Inderwick's) suggestion, and was content that his Amendment should run as follows:—

“Or, in mining, by reason of the negligence of any person in the service of the employer, except such workmen as may be engaged in the same working place, and working together as partners with the person injured,”

he thought that he would get rid of a great deal of the objection that had been raised. He trusted that the hon. Member would divide upon this question. He wished to say a word or two, in answer to the remarks of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson). He would not repeat the observations he had made on a previous day, in reference to the Bill of the hon. Member for Stafford (Mr. Macdonald); but he wished to say this—that the Resolution of the hon. Member for Stafford had been withdrawn, because it was found that the general feeling of the Committee was not in favour of it. There was no understanding or any concert of action between the hon. Member for Stafford and any Member of Her Majesty's Government upon this particular subject. The Resolution was simply withdrawn in order that the progress of the Bill might be facilitated, and that was an additional reason why he should desire to support the clause with the proposed

Amendment. He believed that the description in the clause "working together as partners" was the definition of the state of things upon which the doctrine of common employment was originally founded.

MR. NEWDEGATE said, that the proposal had something to commend it, for it was proposed that mineowners should be able to avoid the excessive liability to penalties imposed by the Bill by rendering themselves liable to compensate for casualties occurring in their mines, by making the employers liable, in effect, for all accidents they were enabling them to insure. Every employer could insure the lives of his workmen, or the workmen, by a subsequent clause, could concur in the insurance. He thought that the proposal of the hon. Member for North Staffordshire (Mr. Craig) had a great deal in it. It would, as he had said, enable mineowners to avoid the excessive liability to penalties which the Bill would impose upon them in certain cases; and the question was, whether it was not preferable for the mineowner to be liable for all the casualties occurring in the mine, rather than to become subject to the penalties provided for by the Bill. He did not think it was at all clear that it was not for the interest of mineowners to be liable for all accidents, whether they rose from the negligence of their *employees* or not. He believed himself, looking only to the condition of mineowners, that it would be preferable to the penalties of the Bill to become liable at once for compensation in cases of all accidents. His (Mr. Newdegate's) practice in the case of his workmen had been, whenever a man was killed, always to provide for his family. His belief was that the liabilities to which a mineowner would become subject by the Bill were so dangerous that he was not at all sure that the hon. Member for North Staffordshire had not proposed a course less objectionable to that, by proposing that they should rather meet the necessities of all those who suffered by accidents, than that they should become liable to the provisions of the Bill.

MR. RYLANDS said, that it did not appear to him that the Bill contained any penal clauses. What he understood it to meet was this—that in certain cases where death or injury resulted from the negligence of the employer, or of some one in his employ and acting by his

authority, the employer was made liable to compensate the person so injured, or, in the event of his death, the representatives of the person so killed. That was a principle of justice, and he entirely agreed with it. In connection with that, it was not only a matter of justice as between employer and workmen; but they wished to go further, and, by imposing greater responsibilities, to afford a greater motive for the protection of the men by the exercise of the greatest possible care in the management of the works. One of the greatest difficulties which they had to contend with as mineowners was this—that they continually found that the workmen employed in the mines disobeyed the instructions given them by the employers or the employers' agent; and, with the greatest possible temerity and recklessness of their own lives and those of their fellow-workmen, they did things which were absolutely fatal. The Bill, he thought, would have the effect, in so far as it threw upon the persons having superintendence intrusted to them a personal responsibility where it was not already exercised, of inducing greater care; and he thought it should also reach those men owing to whose great recklessness life was often sacrificed. The proposal of his hon. Friend (Mr. Craig)—he did not care upon what ground he based it—was this—that any one of those men who, by reckless negligence, he not being a person having authority, should, by such reckless negligence, sacrifice the lives of himself and his fellow-workmen, he might, notwithstanding, create a right in the representatives of the men so killed to call upon the employer for compensation, or, in case they were only injured, to obtain compensation for injuries. He maintained that was the grossest injustice, and one which ought not to be perpetrated for a moment. Workmen engaged in a dangerous occupation must join with their employers in protecting their own lives. He should be quite willing, at the proper time, to join in supporting some system of insurance; but while he thought that employers ought to compensate workmen who were injured in consequence of the neglect of persons having superintendence, he was convinced that the object which he had stated of securing greater care on the part of the men themselves would be most seriously interfered with by the Amendment which

was proposed. He trusted that the Government would not listen to the Amendment for one moment. He must express a hope, in connection with the legislation with which they were at present engaged, that they would do nothing to lessen that individual responsibility on the part of the great body of workmen, and prevent them from aiding their employers in taking all measures necessary for the protection of the life and limb of those engaged in those dangerous occupations. Under those circumstances, he should certainly vote against the Amendment of his hon. Friend.

Mr. CRAIG, in reply, said: In the first place, the hon. and learned Gentleman the late Attorney General (Sir John Holker) was not quite clear with regard to the meaning of the exception and the men excepted. Now, I do mean that when men are working in the same place, should one be negligent and injure the other, they should not be entitled to compensation. They should all work together as one man, and should exercise that care and supervision which is so essential to the preservation of safety. That was allowed, and was, in fact, suggested by the hon. Member for Morpeth (Mr. Burt) in his speech in 1878, when the hon. Member for Stafford (Mr. Macdonald) introduced his Bill into this House. He proposed that common employment should be done away with generally; but that it should be retained in those cases where two or three workmen were working in the same place where they could exercise supervision over each other. But in regard to those working in different places who have not the opportunity of supervising one another, and who have no control over the engagements of the men, or over their conduct, then I say that men who so suffer from accidents are entitled to compensation. Now, with regard to what the hon. and learned Attorney General (Sir Henry James) said—namely, that it would make this Bill much worse for the employer than the Bill introduced by the hon. Member for Stafford, and that, in fact, it was the adoption of that principle. Sir, it is not so. This Amendment is limited entirely to mines; and, as I put it, to dangerous employments. The hon. Member for Stafford extended the principle of his Bill to all employments. The Bill does not give compensation for accidents which arise from

purely unavoidable causes. The hon. Member for Burnley (Mr. Rylands) said that its provisions would be a frightful imposition upon employers, as managers would in consequence become negligent, and the workmen sacrificed accordingly. We have all along contended that the workmen do not ask for this on account of the increased safety it would give them; that was never present in their minds, as it would establish that they are now receiving larger wages in consideration of their dangerous employment, and thus would not be entitled to compensation if the Bill were to come into force. It has been suggested by the hon. and learned Member for Rye (Mr. Inderwick) that I should leave out the words, "and other dangerous employment," and confine it to mining; and as that is an industry which I had specially in view, and know well that the Amendment will take the sting out of the Bill for men engaged in that employment, I propose to do so.

Mr. J. W. PEASE said, that if the Committee were to discuss the question of insurance, then they would upset the whole plan and scheme of the Bill. The hon. Member (Mr. Craig) seemed to be then discussing a portion of the Bill which they had not yet reached. He wished to call attention to the fact that the Bill referred to all kinds of employers, and the hon. Gentleman proposed to make an invidious distinction in the case of employers in some particular trades. He (Mr. Pease) believed fully that the clause would lead to some litigation between masters and men; and, in order to avoid that, the hon. Member seemed to suggest a course which would have the effect of always bringing in a verdict of guilty against the employer. Although the accident might happen through the carelessness of one man, and not through the carelessness of a man having superintendence, the employer was to have to pay. He (Mr. Pease) was one of those who believed that insurance would cover all those accidents. It was, he believed, impossible for the Government to accept the suggestion of the hon. Member, inasmuch as it would have the effect of extending the liability beyond the scope of the Bill before them.

Mr. H. H. FOWLER said, that the Amendment would extend the Bill far beyond the point suggested by the Government, and, coming from the quarter

*Mr. Rylands*

Amendment. He believed that the description in the clause "working together as partners" was the definition of the state of things upon which the doctrine of common employment was originally founded.

MR. NEWDEGATE said, that the proposal had something to commend it, for it was proposed that mineowners should be able to avoid the excessive liability to penalties imposed by the Bill by rendering themselves liable to compensate for casualties occurring in their mines, by making the employers liable, in effect, for all accidents they were enabling them to insure. Every employer could insure the lives of his workmen, or the workmen, by a subsequent clause, could concur in the insurance. He thought that the proposal of the hon. Member for North Staffordshire (Mr. Craig) had a great deal in it. It would, as he had said, enable mineowners to avoid the excessive liability to penalties which the Bill would impose upon them in certain cases; and the question was, whether it was not preferable for the mineowner to be liable for all the casualties occurring in the mine, rather than to become subject to the penalties provided for by the Bill. He did not think it was at all clear that it was not for the interest of mineowners to be liable for all accidents, whether they rose from the negligence of their *employés* or not. He believed himself, looking only to the condition of mineowners, that it would be preferable to the penalties of the Bill to become liable at once for compensation in cases of all accidents. His (Mr. Newdegate's) practice in the case of his workmen had been, whenever a man was killed, always to provide for his family. His belief was that the liabilities to which a mineowner would become subject by the Bill were so dangerous that he was not at all sure that the hon. Member for North Staffordshire had not proposed a course less objectionable to that, by proposing that they should rather meet the necessities of all those who suffered by accidents, than that they should become liable to the provisions of the Bill.

MR. RYLANDS said, that it did not appear to him that the Bill contained any penal clauses. What he understood it to meet was this—that in certain cases where death or injury resulted from the negligence of the employer, or of some one in his employ and acting by his

authority, the employer was made liable to compensate the person so injured, or, in the event of his death, the representatives of the person so killed. That was a principle of justice, and he entirely agreed with it. In connection with that, it was not only a matter of justice as between employer and workmen; but they wished to go further, and, by imposing greater responsibilities, to afford a greater motive for the protection of the men by the exercise of the greatest possible care in the management of the works. One of the greatest difficulties which they had to contend with as mineowners was this—that they continually found that the workmen employed in the mines disobeyed the instructions given them by the employers or the employers' agent; and, with the greatest possible temerity and recklessness of their own lives and those of their fellow-workmen, they did things which were absolutely fatal. The Bill, he thought, would have the effect, in so far as it threw upon the persons having superintendence intrusted to them a personal responsibility where it was not already exercised, of inducing greater care; and he thought it should also reach those men owing to whose great recklessness life was often sacrificed. The proposal of his hon. Friend (Mr. Craig)—he did not care upon what ground he based it—was this—that any one of those men who, by reckless negligence, he not being a person having authority, should, by such reckless negligence, sacrifice the lives of himself and his fellow-workmen, he might, notwithstanding, create a right in the representatives of the men so killed to call upon the employer for compensation, or, in case they were only injured, to obtain compensation for injuries. He maintained that was the grossest injustice, and one which ought not to be perpetrated for a moment. Workmen engaged in a dangerous occupation must join with their employers in protecting their own lives. He should be quite willing, at the proper time, to join in supporting some system of insurance; but while he thought that employers ought to compensate workmen who were injured in consequence of the neglect of persons having superintendence, he was convinced that the object which he had stated of securing greater care on the part of the men themselves would be most seriously interfered with by the Amendment which



MR. BOLTON, in rising to move the Amendment of which he had given Notice, said, that when he put it on the Paper he was not actuated by any motive against the Bill, the principle of which had been explained by the right hon. Gentleman the President of the Local Government Board (Mr. Dodson). His object had been to harmonize the clauses, while allowing the purpose and principle of the Bill to remain intact. He had not, however, been able to discover in what respect sub-section 3 was necessary, so long as sub-section 2 remained in the Bill. The right hon. Gentleman explained, at the time of moving the second reading of the Bill, that its purpose was to render an employer liable for the acts of those to whom he delegated his authority. He thought that sub-section 2 covered the whole of that, and rendered the employer liable for the negligence of those persons. Sub-section 3 merely repeated that in other words. He was aware that the hon. and learned Gentleman the Attorney General had stated to the Committee that the meaning of the sub-section was to be found in some other part of the Bill. He had searched the Bill for that definition, and had been unable to discern it. He believed that the right hon. Gentleman the President of the Local Government Board also indicated that it referred to some other classes of persons than those referred to in sub-section 2; but he (Mr. Bolton) had also been unable to discover that, seeing that the one rendered the employer liable for personal superintendence, and the other for the person to whose orders or direction the workman was bound to conform. That seemed to him to be two persons, rather than two classes of persons, to whom authority was delegated. He thought that, so long as the Bill contained two clauses which could only be interpreted to refer to one class, it would only tend to increase litigation and do harm to the employer, without being of advantage to the employed. He begged, therefore, to move his Amendment.

Amendment proposed,

In page 1, line 12, to leave out from "By reason" to "or (4)" in line 16, both inclusive.—(Mr. Bolton.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR H. DRUMMOND WOLFF said, that he trusted the Government would not give way to the Amendment, but retain the sub-section. They saw, in sub-section 2, which had been discussed, that it was distinctly expressed in order to refer to superintendence. That sub-section was evidently intended to point to those whose business it was to superintend and be in charge of the works of the persons whose interests were at stake. Moreover, the Government had defined the person alluded to in sub-section 2 as being one whose sole or principal duty was superintendence, and who was not ordinarily engaged in manual labour. There might be circumstances where the person to whom the workmen had to defer was one who was ordinarily engaged in manual labour, but was charged for a time with superintendence. On that account, he trusted that the right hon. Gentleman the President of the Local Government Board would stand by the present sub-section and not give way to the proposal of the hon. Member for Stirling (Mr. Bolton).

SIR HENRY JACKSON said, that he did not suppose he should be accused of going in opposition to the Government. Therefore, he felt more confidence in asking his hon. Friend (Mr. Bolton) not to press his Amendment to omit the whole sub-section. He (Sir Henry Jackson) ventured to think that really the division which was taken upon the proposal of the hon. Member for East Derbyshire (Mr. Barnes), at an earlier period of the discussion, had concluded that matter. They struggled then, in order that the liability in the statute should be confined to the vice-master or head superintendent. That sub-section 2 was passed, and the liability attached to negligence of any person who was intrusted with superintendence. He ventured to deny the expression of opinion which came from another part of the Committee that there must be some further explanation of the master's liability than that comprised in sub-section 2. There could be no doubt that they were bound to recognise the opinions of the Government in that matter; and, on the other hand, the Government could not help observing that large numbers of hon. Members on that side, and some converts from the other side, were in favour of a consider-

that it did, he regarded it with very great suspicion. If the Amendment were carried certain interests would be attacked, and it would go in direct opposition to what the Government had distinctly asserted—namely, that they could not accept the principle of the abolition of common employment. The mining interest would certainly be placed in a most serious position. If the Amendment referred to mines only, they could not well avoid applying it in the case of iron and similar works; and, therefore, they could not stop short of the abolition of the doctrine of common employment. He believed it would be a breach of faith if that were done. One other matter to which he wished to refer was that of average. Nothing could be more delusive than to say that accidents cost so much per ton. If he had an accident in his colliery which cost £10,000, it would be no consolation to him to calculate that it would be only so much per ton. If it were spread over all other coal owners, if all contributed, it might be so. The idea of averaging upon the entire production of the commodity was absurd. The loss would fall upon the particular owner, and he would, he believed, be called upon to bear it.

MR. HINDE PALMER said, it was his wish that the liability should be restricted by the jury and not by the Judge. He had always supported the principle of the present Bill. He might mention that, in 1873, he had charge of a Bill which had the same object in view, which went nearer to the Bill of the hon. Member for Stafford (Mr. Macdonald) than anything in that Bill did. What he felt with reference to the clause proposed by the hon. Member (Mr. Craig) was, it was worded in such a vague manner as to place employers of labour in a very much worse position than they had ever previously occupied, or would have been subjected to, if the Bill of the hon. Member for Stafford had been accepted. He apprehended that it might be construed so as to make all employers liable for purely accidental causes. He did not see what else was the meaning of the Amendment of the hon. Member. The hon. Member for Burnley (Mr. Rylands) had already pointed out how, in many cases, accidents happened by the negligence of the workman himself, and, moreover, that many cases were purely accidental. For his

part, he (Mr. Hinde Palmer) really did not see, if that clause passed, why employers should not be liable in all those cases, and thus a great injustice be done. He was in favour of restricting the liability somewhat by the jury. He had an Amendment further on, in which was embodied the idea of the hon. Member for Stafford in regard to that. At the same time, he must say that, as the clause stood, even he could not support the Amendment before the Committee. He had made those observations, as he did not wish to be misunderstood with regard to his action in reference to the Amendment he had on the Paper.

MR. BROADHURST said, that he had asked the Government to accept the Amendment, and he had stated his intention to vote for it. After the discussion, however, which had taken place he had changed his mind, and he should feel compelled to vote against it.

MR. HOPWOOD said, that he still desired that there should be, if possible, a compromise as regarded that question of liability. As the Bill stood it was only intended to make employers liable for superintendence; and, as he approved of that principle, he should feel bound to vote against the Amendment of the hon. Member for North Staffordshire (Mr. Craig) in case he proceeded to a division.

MR. INDERWICK said, that as the hon. Member (Mr. Craig) seemed to be under some misapprehension with regard to the effect of his Amendment, perhaps he would withdraw it.

Question put, and *negatived*.

MR. HUSSEY VIVIAN said, that before the next Amendment was taken he wished to say that he had an alternative sub-section to that one; and he should like to ask, as a matter of Order, whether he could propose that subsequently to the next Amendment? That Amendment was to leave out the sub-section.

THE CHAIRMAN: The sub-section is proposed to be left out by the next Amendment.

MR. HUSSEY VIVIAN said, that supposing that the sub-section were affirmed, should he be in Order in moving its rejection again?

THE CHAIRMAN: No, certainly not.

declaration excluding such workmen, that appeared to him to be equivalent to excluding the sub-section altogether. A great deal had been said in favour of the Motion for exclusion by those who desired to place responsibility on owners of mines and other works, for those *employees* in regard to whose appointment they had exercised some discretion. Under those circumstances, the employer would, in other cases, avoid the responsibility. On that ground, if his hon. Friend the Member for Stirling (Mr. Bolton) went to a division, he (Sir Edward Colebrooke) was prepared to vote with him. He hoped, however, that the Government would give some explanation with regard to the limitation of liability, and prevent him from voting as he had suggested that he otherwise should do.

MR. SERJEANT SIMON said, that the meaning of the sub-section applied, apparently, not merely to those employed in manual labour, but to any person intrusted with authority. There was a distinction between the two classes of the two sub-sections. The class referred to in sub-section 2 was defined in Section 6 of the same Bill as being those who were not ordinarily engaged in manual labour. There might be another class, such as those intrusted with temporary authority, which did not appear to be referred to in sub-section 2, nor in the explanations in Section 6 as applied to that sub-section. That class might be dealt with by sub-section 3; but it appeared to him (Mr. Serjeant Simon), if that were omitted, the principle would not be adhered to that the master should be liable for the acts of those persons who were placed in authority.

MR. DODSON said, that if the Committee would look at sub-section 2, they would see that it made the employer responsible for the negligence generally of persons to whom superintendence was intrusted. Then they came to sub-section 3, which was intended to meet the cases of those men who were themselves engaged in manual labour, or partly so, but had authority intrusted to them. There, as the Committee would see, the liability of the employer was strictly limited to the cases where the workmen were, at the time, bound to conform to the directions of another, and did so conform. In order to make the liability of the employer in those cases

limited to those individual men, there was a special superintendence referred to as contrasted with the general superintendence of sub-section 2. In order, however, to make the intention of the sub-section clearer, and to give effect more plainly to the purpose the Government had in view, he would say that he was prepared to amend the sub-section by accepting the words suggested by his hon. and learned Friend the Member for Coventry (Sir Henry Jackson) to be added to the sub-section—namely, the words “and such injury resulted from his having so conformed.” He thought that that condition might certainly be accepted.

THE CHAIRMAN: I must point out to the Committee that the actual Question before the Committee is that the whole sub-section be omitted.

MR. BOLTON said, he should like to ask the right hon. Gentleman the President of the Local Government Board how he would interpret the liability of the master in such circumstances as these? He was about to read from a document sent to him by the master-builders of the United Kingdom—

“Generally a foreman exercised authority over others, those others over others, and so on, until you come to workmen in a comparatively humble grade. There was, for instance, a bricklayer, and the labourer was expected to conform to the direction of such bricklayer.”

What would be the effect of sub-section 3 in that case? He had been particular to avoid any reference to the definition clause in connection with sub-section 3.

SIR H. DRUMMOND WOLFF said, he was sorry, but he had not caught the words the right hon. Gentleman proposed to accept.

MR. DODSON said, that those words were on the Paper as an Amendment, in the name of the hon. and learned Baronet the Member for Coventry—“and such injury resulted from his having so conformed.” In reply to the hon. Member for Stirling (Mr. Bolton), he would say that he was really not in a position to answer a hypothetical case put to him. He should say that, in that sub-section, it would depend whether the workman, at the time of the injury, was bound to conform to the orders of the person whose orders were to be obeyed according to the terms of the employment and the condition of the trade.

*Sir Edward Colebrooke*

able restriction. His hon. Friend the Member for Stirling had proposed to leave out the sub-section altogether. He (Sir Henry Jackson) was satisfied that that could not be done; and he would, therefore, venture to suggest that the Amendment be withdrawn, in order that they might at once proceed to the further consideration of the sub-section. While endeavouring to get the hon. Member to withdraw his opposition to the sub-section, it might not, perhaps, be out of place if he drew the attention of the right hon. Gentleman in charge of the Bill to what he understood to be the ground of the objection to it, in order to elicit from him a favourable expression more likely to result beneficially than if the sub-section were struck out. Great apprehensions were entertained in regard to that change by both the mining and building industries. The building industry, it was well known, had regulations, or, rather, there was a custom of the trade, which was, that they had a large amount of superintendence, or necessary obedience to orders, in very much humbler spheres than were included in the word "superintendence." It was well known that a good deal of superintendence was carried on by workmen who did manual labour themselves, while they were supervising. If the Government would intimate that they were in favour of the proposal, he would himself move to exclude from sub-section 3 all those persons who, though exercising superintendence, were themselves engaged in manual labour. He believed that that would tend to the passing of that sub-section, and remove the present opposition to it. That was not merely his own view of the matter. They had the high authority of the Report prepared by Mr. Lowe, and submitted to the Select Committee, to which reference had been made. Mr. Lowe, while refusing legislation such as that Bill contained, always excepted from the category of men in authority those engaged in manual labour. In following that advice, the Government would remove a great deal of the apprehension which was felt with regard to the clause, and they would be merely doing what they had done in many other parts of the Bill—namely, following the advice tendered to them. He believed that the suggestion he had made would go a great deal further to remove the opposition

to the clause than the Amendment of his hon. Friend the Member for Stirling (Mr. Bolton).

MR. BARNES said, he did not know whether the Amendment before the Committee would interfere with one he had on the Paper. The hon. and learned Baronet who had just sat down (Sir Henry Jackson) had referred only to workmen, such as bricklayers; but he (Mr. Barnes) should like to refer for a moment to miners. Twenty-five per cent of all the men working in mines were what were called stallmen, and by the "Mines Regulation Act" there were special rules, whereby the men were bound to follow the directions of those men. Those men who were left in charge were only common workmen, consequently the whole of the regulations and the special rules he had mentioned referred only to that class. One of the instructions was that the man should not take the gauze off the lamp. If the man did so, it seemed to be a monstrous thing that the owners should be liable for the accident which might occur. Unfortunately, the Judges did not seem to be agreed upon that point; but it did appear to him (Mr. Barnes) that where a man caused, perhaps, the death or injury of 50 others, because he chose to act contrary to the rules under the "Mines Regulation Act," the owner should be held answerable, who had not the slightest control over the man in the matter, and could not have avoided the accident by any possible means. Only 10 days ago an accident happened in his mine. A piece of roof fell in and pinned a man to the ground, and it was the greatest mercy that he was not killed. The stallman said he had examined the roof. That was clearly not a case that should come under that Bill. There was certainly a great difficulty in regard to the terms of the sub-section, and he hoped it would be removed from the Bill.

SIR EDWARD COLEBROOKE said, he should like an explanation as to the class of persons included in the sub-section, whether or no that 3rd sub-section included those engaged in manual labour. Personally, he thought that that clause applied to those who were engaged in manual labour; and if the Government acceded to the suggestion of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson)—namely, that they should make some

one post was tied to another. The man, in the absence of his superior, neglected to obey the instructions given to him, and made those under him fasten the scaffolding in another way, whereby it fell, and some workmen were injured thereby. Here was a case in which every possible care had been taken, and instructions given; but the orders were disobeyed, and the result was a serious accident. Under such circumstances, it appeared hard to hold the employer liable. He quite agreed that the workman should receive compensation in certain cases; but not in such as the one he had described.

Question put, and *negatived*.

MR. HUSSEY VIVIAN said, he wished to insert words in line 13, the effect of which would be to confine the liability of the employed to the actions of persons who had superintendence intrusted to them. His object was to prevent the employer being made liable for injuries which had resulted to the workmen from negligent orders or directions given by a person in the service of the employer. The Select Committee on the subject had reported strongly against making an employer liable for injuries which were the result of the acts of fellow-workmen. His Amendment, he thought, would meet the great difficulty.

Amendment proposed,

In page 1, to leave out sub-section 3, and insert "by reason of, obedient to the negligent order or direction of any person in the service of the employer to whose orders or directions the workman at the time of the injury was, under any of the rules or bye-laws published by the employer for the observance of the workmen in his service, not being rules or bye-laws made or established by, or in pursuance of, the provisions of any Act of Parliament, bound to conform, and did conform, provided such order or direction was not contrary to such rules or bye-laws."

Question proposed, "That sub-section 3 stand part of the Clause."

SIR HENRY JACKSON said, he doubted whether the Amendment proposed by the hon. Member (Mr. Hussey Vivian) would meet the object which he had in view. He would, therefore, ask him to withdraw the Amendment, and to insert, instead, words which he would himself, if necessary, propose, making the meaning of the Amendment perfectly clear.

*Mr. Thompson*

MR. HUSSEY VIVIAN said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. HUSSEY VIVIAN said, he would now move to insert the words, in sub-section 3, which would prevent the employer from being liable for the negligence of any person who at the time was not engaged, either alone or with others, in manual labour.

Amendment proposed,

In page 1, line 13, to insert "by reason of the negligence of any person in the service of the employer was then engaged, either alone or with others, in manual labour."—(*Mr. Hussey Vivian.*)

Question proposed, "That those words be there inserted."

MR. DODSON said, he could not accept such an Amendment. It would really raise greater difficulties than it would settle. If those words were inserted, the question which would be immediately put when any difficulty arose on the clause would be what amounted to manual labour, and at what particular moment a man might, or might not, be said to be engaged in manual labour. He hoped the Amendment would be withdrawn.

LORD RANDOLPH CHURCHILL said, he hoped the Government would now consent to report Progress. The Committee had been engaged during the whole of the day in discussing the Bill, and, after so many hours of consecutive work, he thought they were entitled to ask the Government to stop.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

MR. DODSON said, he was inclined to assent to the request of the noble Lord the Member for Woodstock, more especially as he should have to ask the Committee to sit again to-morrow, at 12 o'clock.

MR. A. J. BALFOUR said, he would ask the Government to report Progress at once, without any pledge. If they would not do so, he hoped that they would accept the recommendation of the hon. Member for Liskeard (Mr. Courtney). The hon. Member for Burnley (Mr. Rylands) had stated that if that important sub-section were taken on

MR. HUSSEY VIVIAN said, that he did not see that the matter was altered by the addition of the words proposed. Was he to understand that the liability was strictly confined to accidents arising at a time in consequence of an order given by someone intrusted with the power of giving that order? Supposing that the accident was of a general character, and occurred in consequence of an order so given, would that section apply in that case; and, if so, to what extent? In mines, as pointed out before by him, a large number of persons had more or less authority delegated to them. It was impossible that mine-owners could themselves see whether all those men were competent persons to whose orders others were bound to conform. There were rules under the Act which would clearly show that a certain amount of authority was delegated to those men. As he had before stated, there were 17 classes of men to whom authority of some kind was delegated, and for each of those the employer was apparently to be made liable. In a mine, for instance, there were 50 such men; and, as he understood it, the owner was responsible by that sub-section, and would be held liable for the negligent acts of the whole 50. That was carrying the doctrine of liability certainly too far, and he really thought that it could hardly be justified. It appeared to him that there was a great omission in the words, as they stood, for it had not been shown why an owner who was bound by law to employ a particular man should be liable for his negligence. He had exercised the best judgment in his selection, and the very best men had been selected, with the best wages; and yet, if there were negligence in the case of anyone a little past the sphere of an ordinary workman, then the owner, who had no more to do with it than a perfect stranger, was held liable for the damage under that sub-section.

MR. DODSON said, he would endeavour to make it clear as regarded that sub-section. As they got lower down in the scale, the liability of the employer was limited. He was not liable, as his hon Friend (Mr. Hussey Vivian) had said, for any damage which might be caused by the act of an inferior, for the liability was strictly limited by the words of the sub-section, that the injury done

to the workman must be at a time when he was bound to conform to the directions of the particular person in authority, and did so conform. They proposed to clench that, adding the words proposed by the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson).

MR. J. W. PEASE said, he did not think the right hon. Gentleman fully understood yet how very diffused the liability would be, when it lay upon an owner, for the acts of 500 or 600 agents, although only agents, as regarded the workmen injured, to whom he must conform. It would place an enormous amount of liability upon the owner for acts over which he could have no possible control. Those men were not vice-masters in any sense of the term, but were employed as merely part of the system of superintendence, and if the owner was answerable for all of them it would entail an immense amount of liability. It might happen, indeed, that the owner might become liable for an accident which he was doing his best to avoid. It seemed to him that, in that case, the amount for which the owner was to be held responsible ought to be much more limited than it was under that clause.

MR. BARNES said, that if the right hon. Gentleman would only take the trouble to read the special rules of the Coal Mines Regulation Act he would see that the sub-section clashed with the rules laid down by the Inspectors of the Home Office.

MR. THOMPSON said, that it appeared to him that there was an omission in the sub-section. He thought the liability ought to be the same in that as in the former sub-sections. If they were going to extend the liability beyond persons really in authority down to the class of workmen, they would get into that principle of common employment which the promoters of the Bill professed themselves anxious to avoid. He wished the Committee, and the great trading interests, to understand what an entire change of front had taken place in the direction of the principle of the hon. Member for Stafford (Mr. Macdonald). Several papers had been sent to him on the subject, and one contained an instance to this effect. A workman was employed on a scaffolding, and his superior explained to him and showed him how to make a particular knot, by which

one post was tied to another. The man, in the absence of his superior, neglected to obey the instructions given to him, and made those under him fasten the scaffolding in another way, whereby it fell, and some workmen were injured thereby. Here was a case in which every possible care had been taken, and instructions given; but the orders were disobeyed, and the result was a serious accident. Under such circumstances, it appeared hard to hold the employer liable. He quite agreed that the workman should receive compensation in certain cases; but not in such as the one he had described.

Question put, and *negatived*.

MR. HUSSEY VIVIAN said, he wished to insert words in line 13, the effect of which would be to confine the liability of the employed to the actions of persons who had superintendence intrusted to them. His object was to prevent the employer being made liable for injuries which had resulted to the workmen from negligent orders or directions given by a person in the service of the employer. The Select Committee on the subject had reported strongly against making an employer liable for injuries which were the result of the acts of fellow-workmen. His Amendment, he thought, would meet the great difficulty.

Amendment proposed,

In page 1, to leave out sub-section 3, and insert "by reason of, obedient to the negligent order or direction of any person in the service of the employer to whose orders or directions the workman at the time of the injury was, under any of the rules or bye-laws published by the employer for the observance of the workmen in his service, not being rules or bye-laws made or established by, or in pursuance of, the provisions of any Act of Parliament, bound to conform, and did conform, provided such order or direction was not contrary to such rules or bye-laws."

Question proposed, "That sub-section 3 stand part of the Clause."

SIR HENRY JACKSON said, he doubted whether the Amendment proposed by the hon. Member (Mr. Hussey Vivian) would meet the object which he had in view. He would, therefore, ask him to withdraw the Amendment, and to insert, instead, words which he would himself, if necessary, propose, making the meaning of the Amendment perfectly clear.

*Mr. Thompson*

MR. HUSSEY VIVIAN said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. HUSSEY VIVIAN said, he would now move to insert the words, in sub-section 3, which would prevent the employer from being liable for the negligence of any person who at the time was not engaged, either alone or with others, in manual labour.

Amendment proposed,

In page 1, line 13, to insert "by reason of the negligence of any person in the service of the employer was then engaged, either alone or with others, in manual labour."—(*Mr. Hussey Vivian.*)

Question proposed, "That those words be there inserted."

MR. DODSON said, he could not accept such an Amendment. It would really raise greater difficulties than it would settle. If those words were inserted, the question which would be immediately put when any difficulty arose on the clause would be what amounted to manual labour, and at what particular moment a man might, or might not, be said to be engaged in manual labour. He hoped the Amendment would be withdrawn.

LORD RANDOLPH CHURCHILL said, he hoped the Government would now consent to report Progress. The Committee had been engaged during the whole of the day in discussing the Bill, and, after so many hours of consecutive work, he thought they were entitled to ask the Government to stop.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

MR. DODSON said, he was inclined to assent to the request of the noble Lord the Member for Woodstock, more especially as he should have to ask the Committee to sit again to-morrow, at 12 o'clock.

MR. A. J. BALFOUR said, he would ask the Government to report Progress at once, without any pledge. If they would not do so, he hoped that they would accept the recommendation of the hon. Member for Liskeard (Mr. Courtney). The hon. Member for Burnley (Mr. Rylands) had stated that if that important sub-section were taken on

Report it would be taken before an attenuated House of Commons. He (Mr. Balfour) thought that was better than taking it then, before an exhausted Committee of the House of Commons, as the hon. Member had admitted the present Committee was. The hon. Member also said that if the matter were pressed to a division he would support the Government. He sincerely trusted that the Government would not go to a division upon the matter.

MR. BIRLEY said, he could not help remarking that the sub-section appeared to be by no means clear. He had found few persons who understood it. He would feel bound, therefore, to support the Amendment; but he hoped the Government would consent to report Progress.

MR. DODSON said, with very great regret, he would accede to the request to report Progress. They would resume the consideration of the sub-section at 12 to-morrow, and he trusted they might then be able to make some real progress with the Bill.

Question put, and agreed to.

House resumed.

Committee report Progress; to sit again To-morrow.

#### GAME LAWS AMENDMENT BILL.

(*Mr. Knight, Mr. Wilbraham Egerton, Mr. Brand, Mr. Pease.*)

[BILL 291.] SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Knight.*)

MR. DILLWYN said, that he thought it was too late to take the second reading of the Bill then. He begged to move that it be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dillwyn.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. J. W. PEASE moved the adjournment of the debate.

Motion made and Question proposed, "That the Debate be now adjourned."—(*Mr. J. W. Pease.*)

MR. KNIGHT said, he should not object to that, and he would put down the second reading for that day week.

Question put, and agreed to.

Debate adjourned till Tuesday next.

#### TEACHERS' REGISTRATION BILL.

On Motion of Sir JOHN LUBBOCK, Bill to provide for the Registration and Organisation of Teachers, ordered to be brought in by Sir JOHN LUBBOCK, Mr. PLAYFAIR, and Mr. ARTHUR BALFOUR.

Bill presented, and read the first time. [Bill 296.]

#### EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. JOHN HOLMS, Bill to continue various Expiring Laws, ordered to be brought in by Mr. JOHN HOLMS and Lord FREDERICK CAVENTISH.

Bill presented, and read the first time. [Bill 297.]

House adjourned at half after One o'clock.

### HOUSE OF COMMONS,

Wednesday, 4th August, 1880.

MINUTES.]—SELECT COMMITTEE—Report—Sugar Industries [No. 332].

PUBLIC BILLS—Ordered—First Reading—Free Education (Scotland)\* [299]; Married Women (Maintenance, &c. of Children)\* [300].

Committee—Employers' Liability (*re-comm.*) [209]—R.F.

Committee—Report—Exchequer Bonds and Bills\* [294]; Metropolitan Board of Works (Money)\* [272]; Fraudulent Debtors (Scotland) (*re-comm.*)\* [289-298].

#### CONTROVERTED ELECTIONS.

MR. SPEAKER informed the House, that he had received from Mr. Justice Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Report relating to the Election for the City of Chester.

And the same was read, as followeth:—

#### CHESTER CITY ELECTION.

The Parliamentary Elections Act, 1868.  
The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880:



To the Right Honourable

The Speaker of the House of Commons.

In our Report of the result of the Election Petition for the Borough of Chester, dated the 17th day of July last, We stated that we abstained from reporting the names of the persons proved to have been guilty of bribery at the Election of the Right honourable John George Dodson and the Honourable Beilby Lawley on the 1st day of April last for the reason stated in our Judgment; such reason being that inasmuch as our Report might result in a Royal Commission, we thought it better not to report the names of the parties unless the House required us to do so.

The House having requested us to do so, we now further report that the following persons were proved at the trial to have been guilty of corrupt practices:—

Persons bribed.	Persons by whom Voters were bribed or treated.
John Gibson.	Wm. Whittingham.
George Burkhill.	Frederick Jarvis.
Isaac Davies.	William Stonely.
George Sanders.	James Whitton.
William Henry Kay.	John Hickey.
Daniel Jones.	Charles Hibbert.
John Ibbotson.	Thomas Horabin.
Robert Jones.	Jonathan Joinson.
Charles Hughes.	Charles Brown.
Henry Snelson.	J. P. Cartwright.
John Edge.	Thomas Rogers.
Henry Garratt.	George Falladown
Richard Dodd.	Adams.
George Price.	Francis F. Brown.
John Price.	W. C. Deeley.
John Littler.	George Thomas.
William Smith, of	Urias Bromley.
Hop Pole Yard.	Henry Esery.
Edward Meacock.	William Bernhardt.
Joseph Beckett.	Arthur Orrett.
George Cross.	Stephen Thomas Box.
William Walker.	John R. Crawford.
Joseph Clarke.	Thomas Mottershead.

We gave a Certificate of Indemnity to William Bernhardt and to each of the persons bribed.

Dated this 3rd day of August 1880.

ROBT. LUSH.  
H. MANISTY.

And the said Report was ordered to be entered in the Journals of this House.

### QUESTION.

#### MERCHANT SHIPPING (GRAIN CARGOES) BILL—RICE.

MR. GOURLEY asked the President of the Board of Trade, If his attention has been called to the recent inquiry before Mr. Commissioner Bothery relative to the loss of the missing rice-laden ship "Essex;" if so, what precautionary

amendment he intends adding to the Grain Cargoes Bill for the purpose of regulating the stowage and freeboard of wood and iron vessels loading rice in bags from British Burmese ports?

MR. CHAMBERLAIN, in reply, said, he had not yet received the official Report from Mr. Bothery with respect to the loss of the *Essex*, and had seen only the version of the Report which had appeared in the newspapers. The Grain Cargoes Bill before the House only professed to deal with and carry out the recommendations of the Committee recently appointed, which confined its attention, in the first instance, to circumstances attending the carriage of grain from certain ports. He did not think it would be useful, at the present advanced period of the Session, to attempt legislation which was not contemplated by the Report of that Committee, which had no evidence before it respecting the carriage of rice from Indian ports. No doubt it was a matter of considerable importance, and it would come under the cognizance of the Committee should it be re-appointed next year. In the meantime, he might call attention to a clause of the Bill before the House which expressly threw on shipowners the obligation to take such further precautions as circumstances showed to be necessary. If the recent Report showed further precautions to be necessary with rice cargoes, it would be the duty of shipowners to take them, whether they were subjects of specific legislation or not.

### ORDER OF THE DAY.

#### EMPLOYERS' LIABILITY (re-committed) BILL.—[BILL 209.]

(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.)

#### COMMITTEE.

[Progress 3rd August.]

Bill considered in Committee.

(In the Committee.)

Clause 1 (Amendment of law).

Amendment proposed,

In page 1, line 13, after the word "employer," to insert the words "and not then engaged, either alone or with others, in manual labour."—(Mr. Huxey Vivian.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that he thought this Amendment required but little consideration. The effect, if these words were inserted, would be to make the employer only responsible for those persons who had general powers of superintendence, and would make Sub-section 3 substantially the same as Sub-section 2. The case would not be met of any person having particular superintendence intrusted to him. He could not agree to the Amendment.

LORD RANDOLPH CHURCHILL said, that he thought that the Government was quite right in objecting to the insertion of this Amendment. He did not see the wisdom of limiting the Bill in the manner proposed. It seemed to him that the Amendment was inconsistent with the object of the Bill.

*Amendment negatived.*

MR. DODSON said, that in the absence of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson) he would move the Amendment which stood in his name. He believed it would meet with the general consent of the Committee, and he had agreed to accept it. It would come in at the end of Sub-section 3, and would render that more explicit by enacting that the injury must be caused by the negligence of any person in the service of the employer, by whose orders or directions the workman at the time of the injury was bound to conform, and did conform, and such injury resulted from his having so conformed.

*Amendment proposed,*

In page 1, line 15, after "conform," to insert "and such injury resulted from his having so conformed."—(*Mr. Dodson.*)

MR. GORST said, that as the clause was originally drawn it made the employer liable for the injury caused by reason of negligence of any person in the service of the employer to whose directions the workman was bound to conform. He presumed that, as now amended, the sub-section would limit it to cases in which injury had been caused solely in consequence of obedience of those orders. He did not see any objection to that being done, and it seemed to him to be in accordance with the principles of the Bill.

MR. DODSON said, he stated, last night, that that was the intention.

MR. RYLANDS said, that this Amendment was of so great importance that it was absolutely necessary to so frame it as to make it quite clear. If it remained as it was it might lead to serious difficulty in the case of some employments. He did not think that the Government had quite recognized the fact that in large iron works certain departments were placed under the management of sub-contractors, who employed the men who did the work under them. These men, called the foremen of the particular departments, were really employers; they were sub-employers, and received from the ironmaster a sum varying according to the amount of work they produced, and out of that they paid wages to the people in their employ. It seemed to him that the effect of this sub-section, as amended, would be that the man who was, practically, an employer, and who might by his action lead to accidents to the men in his employ, either through his own negligence or through the negligence of the men employed by him, was entirely free from responsibility. This sub-employer, who had really been guilty of negligence, would not be liable to an action on the part of people in his employ; but the unfortunate owner of the iron works was liable for the actions which really ought to be brought against the sub-employer. He thought there ought to be some qualifying words, throwing upon the party having the absolute direction of the men a certain amount of responsibility. He must say that he should have been glad to see some qualification introduced to meet those cases where a sub-employer actually paid wages to workmen who were under his control, and that he should be made personally responsible. It was perfectly certain that, as the Bill stood, such a sub-contractor would incur no responsibility.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that the law stood in this way in the case put by the hon. Member. The sub-contractor entered into contracts with the workmen on his own behalf; and, under those circumstances, the master would be exempt from responsibility. He was sure the hon. Gentleman would be satisfied that in such a case there would be no liability on the higher employer, but the middle

man would be liable. Of course, he was liable to the same extent provided for by the Bill. Under those circumstances, he hoped that there would be no objection to this Amendment, which somewhat limited the liability of the employer, being inserted. He was quite sure that the employer would not be liable, where the work was done by a sub-contractor.

MR. EDWARD CLARKE said, that he feared the result of the Amendment would be very seriously to limit the responsibility of the employer, and to give rise to costly and doubtful litigation. This sub-section would apply in those cases where Sub-section 2 was inapplicable. By Sub-section 2 the employer was made responsible for the negligence of any person who had superintendence intrusted to him; and by this sub-section the case would be covered of any person who was temporarily intrusted with the superintendence, and also the case of the person to whose orders the workman was bound to conform. Then the Amendment proposed that it should be necessary to show, in the two latter classes of cases, that the injury happened to the workman in consequence of his conforming to those directions. All the four sub-sections of this clause involved considerable difficulty. It seemed to him that there had been an unfairness about this provision, because in the case of a temporary over-looker not giving specific directions to a workman, or in the case of his not doing a certain act in the way pointed out to him, such workman was to lose his right to compensation. He thought that it would be most unfair to call upon the workman injured to show, in an action at law, that he had received specific instructions from a person authorized to give them, that he had conformed to them, and, further, that the injury was the direct consequence of his having conformed to such instructions. He thought that a person having temporary charge, and being temporarily intrusted with superintendence, should be treated in the same way as a person having general superintendence, and that the employer should be liable for his negligence, without throwing upon the workman the proof of this difficult point.

MR. SERJEANT SIMON said, that he did not attach much importance to this Amendment. The liability of the em-

ployer, under the sub-section as it stood, was for injury to workmen by reason of the negligence of the person in the service of the employer, to whose orders the workman at the time of the injury was bound to conform, and did so conform. What could be the meaning of that, except that by so conforming the injury arose? That seemed to him to be the obvious meaning of the sub-section as it now stood. He did not, therefore, see how the difficulty of proof would be increased, as his hon. and learned Friend thought it would be, by the adoption of the Amendment.

LORD RANDOLPH CHURCHILL said, that he fully agreed with the remarks of the hon. and learned Member for Plymouth (Mr. E. Clarke). He thought they ought to provide, so far as possible, against unnecessary litigation arising from this Bill. In order to prevent litigation arising, the Bill ought to be made as clear and simple as possible. It seemed to him that, under the sub-section as it now stood, a clear issue arose for the decision of a Court. Then there might be conflicting decisions given upon the meaning of the sub-section, which would introduce further difficulty. That would interfere with the object which the Government wished to attain—that the decision of one case should govern a great many others. It might be very difficult to show that the injury to a workman resulted from his having conformed to the orders given to him. If the Amendment were adopted, the issue raised for the decision of the Court would be somewhat complicated and confused, and he thought it would be well if the Government reconsidered the matter before adopting it.

MR. BRADLAUGH said, that he trusted that they would not be kept long discussing the Amendment now before the Committee. It seemed to him that no new question was raised for the opinion or consideration of the Court by the proposed Amendment. If the injury were caused by reason of the negligence of the person to whose directions the injured man was bound to conform, then it must have been that his injury resulted from his having so conformed.

MR. GORST said, that there was a new fact raised by the Amendment which the plaintiff would have to prove. He would have to prove that, having

admitted that the change was a serious one. But the history of the Bill was peculiar. Although he was not a Member of the House at the time of the second reading, he believed it was a fact that the Bill was read in blank a second time, and that important questions were postponed for consideration in Committee, and the House was told, in explanation of that course, that it was in Committee that the Government would be prepared to make its propositions. Certain propositions were now made, and as the Committee was not pledged to any limitation of the Bill by what took place on the second reading, an opportunity now offered for remedying that which was certainly a grave mischief, and one which the working men of the country were anxious should be corrected. Surely it would be a pity to lose an opportunity of discussing this matter in a Committee which he believed was sincerely anxious to pass this Bill in some useful form during the present Session, and to leave the crying grievance of common employment unremedied. They all of them knew that there really was a great feeling among working men on this matter. It was idle to talk of this as a Bill to remedy grievances connected with employers' liability, if this grievance was to be left unremedied, so that the relatives of the engine-driver, who had been so constantly mentioned, would get no compensation when he had been killed through the negligence of a person with whom he had nothing to do. That man had to work upon a certain part of a railway, over which his engine travelled, going from a place 150 miles off, where the accident happened, and going to a place 150 miles further on. He hoped his hon. and learned Friend the Attorney General would consider this matter, and endeavour to deal with it. There were clearly two things which it was most important to get into this Bill. The first was that its principles should be so simply stated that they should not lead to divergent judgments in the Courts of Law; and the second was that there should be a substantial concession. In regard to this Bill, he believed that employers in the House were making a great mistake in over-estimating the liability that would be thrown upon them by accepting even the suggestion that the whole doctrine of common employment should be done away with. For his part, he should like

to see that whole doctrine swept away, for, in its present form, it was merely a judicial fiction. But, accepting the decision of the Treasury Bench upon that point, it had been rightly pointed out by the President of the Local Government Board himself, that this Amendment was not open to the objection that it was a proposal to abolish common employment. It had been said by the right hon. Gentleman, as accurately and forcibly as it could possibly be done, that the effect of this Amendment was only to limit the doctrine of common employment, so as to prevent its operating in certain cases to which it had been applied in recent years. It was perfectly clear that this Amendment was a point to which the hopes of those who were interested in this Bill were mainly directed; and he, therefore, hoped that they would hear some further and more satisfactory answer from the right hon. Gentleman.

MR. BURT said, if his hon. Friend the Member for Stafford (Mr. Macdonald) had been present, he could not but have been gratified to find that the Committee was beginning to take his views as to the doctrine of common employment. He was not at all disposed to question the motives of those who had so suddenly become converted to that view; but he was inclined to suspect that some hon. Members were now anxious to support this alteration, because, if made, it would render that Bill impossible, so far as the present Session was concerned. He had all along been inclined to give a general support to the Bill now before the House; but, at the same time, he did wish that the President of the Local Government Board, in declining to accept this Amendment, had held out some hope that something would be done to remove the present invidious and unjust distinction which prevented workmen from having even a chance of compensation in cases where the common sense of everybody would admit that they ought to have it. So strongly did he feel upon this point that he would vote for the Amendment of the hon. Member for Bristol, although it seemed to him to go too far, if it was pressed to a division. He thought, also, that that Amendment ought to be pressed to a division if they received no better assurance from the Government as to what they would do than they had at

the Committee if he referred to another point. An Amendment had been placed upon the Paper, which evidently aimed at relieving employers from responsibility in cases where the defective bye-law was framed under the provisions of an Act of Parliament, or an Order in Council. He proposed, when the proper time arrived, to introduce an Amendment to deal with that particular case. He thought it would come in more properly at Clause 2, where it was provided that the master should not be responsible for injury derived from bye-laws, unless it could be shown that the bye-laws were improper or defective. He proposed to introduce another sub-section to the effect that if a rule or bye-law had been approved of or accepted by the Board of Trade, or any other Department of the Government, it should not be deemed, for the purposes of this Act, to be an improper rule or bye-law. He thought that that provision would meet the circumstances of the case.

MR. WIGGIN said, he should like to know whether the master would be responsible, under certain circumstances, in the iron manufacture? If the iron was not run out from the furnace with sufficient care, perhaps, before the sand was dry, an explosion would ensue. He should like to know whether, under those circumstances, the employer would be responsible to the men engaged in that operation?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that in such a case the employer would not be liable.

Amendment, by leave, *withdrawn*.

MR. BARNES said, that the sub-section which the right hon. Gentleman the President of the Local Government Board had intimated his intention to move, would go some way towards meeting their objections. In the case of mines their rules were drawn up, and approved of, under the provisions of an Act of Parliament. He did not intend to move the Amendment which stood in his name.

MR. BRYCE said, that he begged to propose an Amendment that he thought would simplify the Bill, without making any alteration in its substance. He proposed, in page 1, line 19, after "obedience to," to leave out "particular" and insert "improper or defective." As the Bill was at present drawn, it would give

rise to a great quantity of litigation. It was extremely difficult to construe, even for a trained lawyer, and it must occasion great difficulty to workmen and employers, and even to the County Court Judges who would have to deal with it. He thought they would be rendering good service by making the Bill as simple as possible. That would be effected, he thought, in a great measure, by abolishing the exceptions in the sub-sections of Clause 2. If Clauses 1 and 2 were read together, the reader's mind was liable to become very confused; it was really difficult to know what was intended to be the rule, and what the exception. Under those circumstances, he had put upon the Paper a series of Amendments, the adoption of which would not produce any substantial alteration in the liability of the employer, but would simplify the Bill, by getting rid of the first three sub-sections of Clause 2. If in the 4th sub-section of Clause 1, they were, after "obedience to," to leave out "the," and insert "any improper or defective," and in line 19, after "obedience to," to leave out "particular" and insert "improper or defective," he thought that the same result would be arrived at as if they retained the 2nd sub-section of Clause 2. The right hon. Gentleman the President of the Local Government Board had just then observed that the only case where the liability of the employer would arise under sub-section 4 of Clause 1, would be where the bye-laws were improper or defective. He (Mr. Bryce) thought that the better way to show that would be to adopt the Amendment which he proposed. He would read sub-section 4 of Clause 1, as it would stand in case his Amendments were adopted, and sub-section 4 of Clause 2 were subsequently omitted—

"By reason of the act or omission of any person in the service of the employer done or made in obedience to any improper or defective rules or bye-laws of the employer, or in obedience to any improper or defective instructions given by any person delegated with the authority of the employer in that behalf;"

and would express the hope that the Government would accept an Amendment which, while simple, was calculated to improve and render more intelligible this perplexing Bill.

MR. DODSON said, he could not accept the proposal of the hon. Member.

*Mr. Dodson*

MR. HASTINGS hoped the Government would not accept this proposal. He ventured to say that no one was more disinterested that he was in his support of the Bill. He was chairman, and therefore, of course, a substantial shareholder, in one of the largest coal and iron companies in South Staffordshire. A noble relative of his, who was by far his most influential constituent, was one of the largest owners of mine property in the Kingdom, and many other of his constituents were also large mineowners. He had had considerable pressure brought to bear upon him; but he had endeavoured to look at this Bill independently of private interest or personal propositions; and, as it stood at present, it was a moderate and reasonable settlement of a very difficult question—one that if not got rid of now would be sure to come back to them. For that reason he had given a loyal and hearty support to the measure. At the same time, he was bound to say, if this Amendment was carried, not only he himself, but some other Members would be compelled to consider their position. In many accidents in mines it would be impossible to say who were at fault—masters or workmen—for often those accidents were merely the result of the great natural forces with which in mines they had to deal. But the result of such accidents would be that employers would be sued for damages, and, even if successful, would have to pay their own costs. The Amendment contained a principle which, if it was inserted in the Bill at all, ought not to be extended to mining operations; and, therefore, he hoped that it would not be carried.

SIR HENRY HOLLAND said, unless the real difficulty and hardships at present imposed on the workmen were met, the Bill would fail in its main purpose. The cases cited by his hon. and learned Friend the Member for Dewsbury (Mr. Serjeant Simon) pointed very clearly to the grievance which the workmen were suffering from, owing to the extent to which the doctrine of common employment had been carried. Unless, therefore, the Government could give them an assurance that some words would be introduced which would practically meet those grievances, he should be compelled to go into the Lobby in support of the Amendment. The hon. Member opposite (Mr. Hastings) had just said that in

many mining operations it was difficult to say how the accident was caused, and that in such cases it would be hard to make the employer liable. The simple answer to that was, that in such cases no action would lie. Before any damages could be recovered the plaintiff would have to prove negligence of the kind mentioned in this Bill, or he could not recover; while if he did prove it, the employer certainly ought to be liable.

MR. BRYOE said, he also wished to join in the appeal which had been made to the Government. They were not now dealing with the whole doctrine of common employment; if they were he should not support the Amendment, because, though he objected to allowing common employment to be a defence, he conceived that question to have been already decided. They were dealing, on the contrary, with one particular part of the doctrine which was, more than anything else, the cause of the agitation which the Bill was intended to allay. The doctrine that common employment should constitute a defence, was originally laid down in cases where a small number of workmen were employed together in one place at the same kind of work, and the idea was that they were, more or less, mutually helping one another, and therefore there was some reason for making the common employment a defence in such cases. The case before them at the present moment was not, however, at all a case of that nature. Nor was it contemplated, when the first steps were taken in the direction of establishing this doctrine, to make the law what it had now become. That law was admitted to be opposed to the law of Scotland; and it was a very great surprise to Scotch employers, and indeed to many English employers, when the decisions were given which put the law on its present footing. If this Amendment were not accepted cases of very gross injustice would be left unremedied, and they might be sure that the agitation would not subside. The Government must surely wish that this question should not be raised again next year, and the year after, and so on; for what was the use of passing a Bill at all if, as the result of it, they were to have a fresh agitation in full force immediately afterwards? He must warn the right hon. Gentleman that, if some subsection such as this were not accepted,

to leave out "any," and insert "the." He begged, however, to move, in line 19, page 1, after "person," to leave out to the end of the sub-section, and to insert instead thereof "in the service of the employer who has superintendence intrusted to him."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that the Committee would see that the liability thrown upon the employer by the second part of this sub-section was in respect of instructions given by any person delegated with the authority of the employer in that behalf. The hon. Member proposed that the instructions should be given by a person who had superintendence intrusted to him. He thought that the words used in the sub-section were much more ample, and would avoid the difficulty which would be raised if instructions were sent, and not given, by a person having superintendence.

LORD RANDOLPH CHURCHILL said, that he could not understand why the Government refused to accept this Amendment. As the clause stood, it was left to the jury to decide whether a person was delegated or not with the authority of the employer, and the extent to which he was delegated; whereas the Amendment of the hon. Member made it explicit that the instructions must be given by some person having superintendence.

*Amendment negatived.*

MR. WHITWELL said, that he had given Notice of an Amendment in page 1, line 20, after "behalf," to insert—

"Unless such person has given instructions contrary to the special orders written or printed and put up by the employer."

He should propose that Amendment at a later stage of the Bill.

MR. S. MORLEY said, that he had to propose an Amendment in page 1, line 20, after the word "behalf," to insert the following sub-section:—

"Or, by reason of the negligence of any person in the service of the employer engaged in a branch or department of such service separate and distinct from that in which the workman was engaged."

His object was to secure an enlargement, or modification, of the doctrine of common employment. The defence of common employment rested upon the presumption that the workmen employed

together should watch each other; but where workmen were engaged in distinct departments this was found to be simply impossible. The Scotch Courts had long held that it was most unreasonable to deny a remedy for injury occasioned by the act of a servant not immediately connected with the person injured. Their law was now assimilated to that of this country. But there was a case in which Lord Ardmillan had put the case so clearly that, with the permission of the Committee, he would read a few extracts from his Judgment. The case was that of "Macfarlane v. The Caledonian Railway Company." Lord Ardmillan said—

"The pursuer states that he was in the employment of the Railway Company as a labourer; but he avers that shortly before the accident of which he complains he was employed as a watchman to watch the effect of trains passing over a spot where the railway was merely supported by uprights, the ground under it having been excavated for the formation of a bridge under which another railway was to be carried. The pursuer was engaged in this duty while it was dark early in the morning when the accident happened. He had a watch box at a little distance from the place where the ground was excavated; but he states that he could not see the effect of a train passing that place without coming close beside it with his lantern. This is what he states he did in compliance with the orders he received to watch the effects of that train passing, and he says he was standing at the only place where he could have watched the effect of that train. Just when he was so employed a down train came by and knocked him down and injured him. The pursuer avers that he did not know that a down train was then due, and that he had received no information as to when the trains were to arrive; and he further alleges that the defendants' inspector who employed him to watch had told him that no train would arrive after 12 o'clock at night. In such a case the defenders may have defences founded upon the nature of the pursuer's employment, and the duty in which he was engaged, as exempting them from responsibility; but the Lord Ordinary does not think it can be held in a question of relevancy, and that without any investigation he declares that the pursuer, though employed to perform the special office of watching from a particular spot of the line the effect of a train passing, was not entitled to rely that the defenders' arrangements were such as to make it possible for him to perform that duty without being run down by another train. It does not appear to the Lord Ordinary that the relative responsibility of the parties can be properly judged of until the whole facts shall be ascertained."

He had never been able to understand why, if two passengers were travelling by a railway train together and were killed, the family of the one who was not employed by the Railway Company

*Mr. Barnes*

been established, beyond doubt, that the employers had a power of protecting themselves from a liability to accidents at a cost which only amounted to six-tenths of a penny per ton. While the extension of this liability would work in favour of the poor man, when it was made capitalists would observe a very rigid discipline in their mines, and would make a more searching examination of the men, the materials, and the appliances which they employed in those large undertakings. It would impose no hardships upon those great mine-owners, because they had a practical monopoly of the business, and the extra charge to which they were put would have finally to come out of the pocket of the consumer. He, therefore, hoped that the right hon. Gentleman would accept this Amendment. His sole objection to it was that it was not mentioned on the second reading; but he would appeal to the Committee whether the Amendment was not a fair extension of the principle of the Bill, and not by any means a large extension of it? It was very desirable that the Government, with so many large measures in view, should dispose of this agitation—for some years to come, at any rate—and he must warn them that if they passed the Bill in its present form, it would only be the precursor of an agitation ten times more powerful.

MR. LYULPH STANLEY said, that he hoped the Amendment would not be pressed to a division. He could not say that he was opposed to the Amendment of the hon. Member for Bristol (Mr. Morley); on the contrary, he thought that what he proposed would be a proper state of the law. But he opposed it for this reason—that he considered it fatal, or destructive to the Bill. In the first place, it was perfectly obvious that if the Amendment were carried it would so much widen the scope of the Bill—and there was such a number of Amendments upon that Amendment, from the point of view of employers and capitalists—that it would have the effect of postponing the Bill to another year. Secondly, he thought that question was such a wide one that it was really a second reading question, and not one for the Committee. They had heard a speech from the noble Lord opposite (Lord Randolph Churchill) which ought to have been given on the second read-

ing. If the noble Lord had been the Leader of a Party above the Gangway, instead of below it, it might have had some weight in the discussion; but, coming from whence it did, it was not likely to promote legislation. It was not correct in the noble Lord to describe the Bill as a blank Bill; for though the Bill was not in its present form on the second reading, yet they had had a second reading debate on the Bill in its present form on the Motion for going into Committee. There were two grievances which had been felt. One was, that where a person in a superior position had given orders to another and an injury resulted the employer was not liable for the *employé* who stood in his place; and, secondly, where there was an immense extension of employments, such as was the case with the large Limited Companies and Railway Companies, there were, practically, different employers coalesced into one, yet the workmen employed in separate branches were treated as in one common employment. The Government, in this Bill, had dealt only with the grievance of suffering an injury from some person in a superior position to the person injured, to whose directions that person was bound to conform. But they had not dealt with the grievance arising from a multitude of separate employments gathered into one one under a Board of Directors. The Amendment was one that went very near the abolition of the doctrine of common employment; and he would urge it upon the hon. Member not to press it to a division, considering that there were 12 pages of Amendments down, especially, also, considering the fact that, if successful, it would be absolutely fatal to the Bill. On that account he thought that, to a certain extent, they were in honour bound not to impede the measure; and he hoped the Government would stand firm when they came to the later Amendments on the question of insurance, which had been put on the Paper by hon. Gentlemen on the other side. If the Government did stand firm to their Bill, and resisted the pressure from the other side, they were bound not to put pressure on that side, which would only add fuel to the opposition to the measure. He was aware that it was a popular thing to vote on the popular side; and as he represented a populous constituency, he ought, per-



another case. A man was engaged in painting a shed, and another in removing an engine; in doing so he ran the engine into the shed, and the man painting the shed was knocked down and injured. It had been held that he was not entitled to recover, because he and the engine-driver were engaged in a common employment. What community of employment could there be between the man who was removing an engine from one place to another, and the man who was engaged in painting the shed? Such were the subtleties to which the defence of common employment had given rise. In a Judgment of the Lord Chief Justice Cockburn, in the case of "*Morgan v. The Vale of Neath Railway Company*," his Lordship said—

"I concur with the rest of the Court in discharging the rule in this case; but I am desirous it should be understood that I do so wholly out of deference to the authority of '*Hutchinson v. the York, Newcastle, and Berwick Railway Company*,' and '*Waller v. the South Eastern Railway Company*.' But for the decisions in those cases, I should have been disposed to think that a workman employed to do carpenters' work for a Railway Company, and the servants of the Company engaged in the conduct of the traffic of the Railway, though in the service of a common employer, were not fellow labourers engaged in a common work, under a common employment, so as to exempt the master from liability for injury arising to one servant from the negligence of the other. The Court of Exchequer having, however, held, in the first case, that the servant of a Railway Company, travelling on their business in one of their trains, was a fellow servant of those who had charge of the train; and, in the second, that the ganger of platelayers, whose business it was to keep the permanent way in repair, and the guard of the train, were fellow labourers, so as to exempt the Company from liability in respect of the injury sustained by one servant through the negligence of the other, it seems to me that the present case comes within the principle of those decisions; and, consequently, that we have no alternative but to discharge this rule, leaving the plaintiff to have recourse to the Court of Appeal, if it is thought desirable that the principle involved in the decisions should be further considered."

One of the cases referred to by his hon. Friend (Mr. Morley) was that of a clerk sent on board a ship belonging to the firm by which he was employed, and there meeting with an accident through the negligence of some of the crew. It had been held in such a case that the man was not entitled to recover compensation for injuries, because of the community of employment between himself

and the crew of the vessel. It was difficult to see the community of employment between a clerk in an office on shore and the crew of a ship; and it was because of the monstrous extremity to which the doctrine of common employment had been pushed that the necessity for bringing forward this Bill had arisen. The question was, whether the Amendment of the hon. Member would meet the cases he had suggested? He entertained considerable doubt that it would. In the 2nd section of the Bill the employer was made liable for injuries sustained by reason of the negligence of any person in his service who had superintendence intrusted to him. Such, for instance, as a man working in a shed who sustained injuries in consequence of the carelessness of those shunting the engine, might be included; but he did not think it would be, because those driving the engine had no superintending power in the sense intended by the sub-section. They were ordinary working men, and they had no superintendence at all. They were simply told to move the engine, and it was by their negligence and want of skill in moving the engine that the accident occurred. That was a case which would not be included in sub-section 2; nor would it be under sub-section 3, nor under sub-section 4, which simply provided for accidents caused in obedience to defective rules and regulations. He thought, that in order to meet the present defective state of the law in the particular case he had instanced, a separate sub-section should be introduced.

MR. S. MORLEY said, that his Amendment was intended as a new sub-section.

MR. SERJEANT SIMON said, that then the word "or" at the beginning of the Amendment ought to be struck out. He supposed that his hon. Friend meant the new sub-section to apply to any workmen whatever, engaged in a branch or department separate and distinct from that in which the workman injured was engaged, whether or not the person guilty of the negligence had superintendence. If that were not so, the man painting the shed would have no right to compensation, as the engine-driver would be a person not having superintendence. He supported the Amendment, because he believed it would remedy a glaring defect in the law.

been established, beyond doubt, that the employers had a power of protecting themselves from a liability to accidents at a cost which only amounted to six-tenths of a penny per ton. While the extension of this liability would work in favour of the poor man, when it was made capitalists would observe a very rigid discipline in their mines, and would make a more searching examination of the men, the materials, and the appliances which they employed in those large undertakings. It would impose no hardships upon those great mine-owners, because they had a practical monopoly of the business, and the extra charge to which they were put would have finally to come out of the pocket of the consumer. He, therefore, hoped that the right hon. Gentleman would accept this Amendment. His sole objection to it was that it was not mentioned on the second reading; but he would appeal to the Committee whether the Amendment was not a fair extension of the principle of the Bill, and not by any means a large extension of it? It was very desirable that the Government, with so many large measures in view, should dispose of this agitation—for some years to come, at any rate—and he must warn them that if they passed the Bill in its present form, it would only be the precursor of an agitation ten times more powerful.

MR. LYULPH STANLEY said, that he hoped the Amendment would not be pressed to a division. He could not say that he was opposed to the Amendment of the hon. Member for Bristol (Mr. Morley); on the contrary, he thought that what he proposed would be a proper state of the law. But he opposed it for this reason—that he considered it fatal, or destructive to the Bill. In the first place, it was perfectly obvious that if the Amendment were carried it would so much widen the scope of the Bill—and there was such a number of Amendments upon that Amendment, from the point of view of employers and capitalists—that it would have the effect of postponing the Bill to another year. Secondly, he thought that question was such a wide one that it was really a second reading question, and not one for the Committee. They had heard a speech from the noble Lord opposite (Lord Randolph Churchill) which ought to have been given on the second read-

ing. If the noble Lord had been the Leader of a Party above the Gangway, instead of below it, it might have had some weight in the discussion; but, coming from whence it did, it was not likely to promote legislation. It was not correct in the noble Lord to describe the Bill as a blank Bill; for though the Bill was not in its present form on the second reading, yet they had had a second reading debate on the Bill in its present form on the Motion for going into Committee. There were two grievances which had been felt. One was, that where a person in a superior position had given orders to another and an injury resulted the employer was not liable for the *employé* who stood in his place; and, secondly, where there was an immense extension of employments, such as was the case with the large Limited Companies and Railway Companies, there were, practically, different employers coalesced into one, yet the workmen employed in separate branches were treated as in one common employment. The Government, in this Bill, had dealt only with the grievance of suffering an injury from some person in a superior position to the person injured, to whose directions that person was bound to conform. But they had not dealt with the grievance arising from a multitude of separate employments gathered into one one under a Board of Directors. The Amendment was one that went very near the abolition of the doctrine of common employment; and he would urge it upon the hon. Member not to press it to a division, considering that there were 12 pages of Amendments down, especially, also, considering the fact that, if successful, it would be absolutely fatal to the Bill. On that account he thought that, to a certain extent, they were in honour bound not to impede the measure; and he hoped the Government would stand firm when they came to the later Amendments on the question of insurance, which had been put on the Paper by hon. Gentlemen on the other side. If the Government did stand firm to their Bill, and resisted the pressure from the other side, they were bound not to put pressure on that side, which would only add fuel to the opposition to the measure. He was aware that it was a popular thing to vote on the popular side; and as he represented a populous constituency, he ought, per-

tion could arise if an accident happened, for the workmen would at once receive compensation, the employer, by means of combined insurance, having no temptation to resort to law. Under the present Bill, however, he doubted whether there would be any extension of the present system of insurance, for owners would prefer to take their chance before a County Court Judge, afterwards, perhaps, appealing to a higher Court, rather than of insuring themselves against a liability which might come upon them; and, therefore, the result would be that litigation would be unlimited. If the right hon. Gentleman the President of the Local Government Board was really anxious to confer a great benefit upon the country, while, at the same time, he ended a long and vexing agitation, he certainly ought to be prepared to take this step, and to do what was now generally acknowledged to be absolutely necessary in order to settle this subject.

MR DODSON said, the noble Lord asked him to say whether he considered the Bill would make a settlement of this question. His reply was that it was a very dangerous thing to admit of any such thing as finality in legislation; therefore, he would not commit himself to any proposition of that kind. This Amendment had been argued by many hon. Members as though it would sweep away altogether the doctrine of common employment, and make an end of it. But it did not do that at all. The complaints against that doctrine, as it was interpreted to the Judges, were that that interpretation was gradually sweeping away the distinctions which the old decisions took into consideration between the different grades of the servants employed, while it also swept away the distinction between servants in large employments engaged in such different branches of the service that, practically, there was no unity between them. It was to this last point that the Amendment of the hon. Gentleman was directed. He cordially and entirely sympathized with his object, and in his speech in introducing the Bill he adverted to that absence of distinction made by the recent decision of the Judges between these very different branches of employment as one of the subjects of complaint that had arisen. The Bill, however, which he had introduced was known to the House before

he proposed it, because it was introduced by his hon. Friend the Member for Hastings (Mr. Brassey), and by the hon. Member for Bristol himself. That Bill extended the liability of employers, and limited the doctrine of common employment, so far as the absence of distinction between services of different grades was concerned. It did not deal with the second branches of the subject—the absence of distinction between servants of the same masters engaged in different branches of work. That was the Bill he introduced to the House, which was read a second time, which was committed *pro forma*, and then had Amendments introduced into it to make its intention clear and more definite. None of the clauses of the Bill, either in its original or in its amended shape, went beyond the limitation of the doctrine of common employment so as to make the employer responsible for the neglect of those to whom he committed superintendence. That being so, although he felt great sympathy for the Amendment of his hon. Friend, he could not consent to accept it. He felt bound by what had taken place before, by the fact that the House had consented to read this Bill a second time, and by the declarations which he had made, and other Members of the Government had made, in asking the House to read it a second time. He admitted that there was some difficulty in the law as at present interpreted by the Judges, and he sympathized with the object of the hon. Member; but he could not consent to accept his Amendment. He must admit that the Bill did not embody all that hon. Members desired; but, at the same time, he would ask them to consider whether, if they passed this Amendment, they would facilitate the passage of the Bill?

MR. EDWARD CLARKE said, he hoped the hesitating answer of the Treasury Bench was not the final answer of the Government on this subject. He did not quite understand how it was that a Member who expressed sympathy with the Amendment, and seemed to admit the reasonable character of the suggestion, should found his opposition to it upon the ground that at the second reading of the Bill it was not accepted, and was not part of the proposition made to the House, or upon the ground that the House was now in Committee, and that this was a very serious change. He

*Lord Randolph Churchill*

been suggested by the Bill of the hon. Member for Stafford (Mr. Macdonald), who had proposed to do away with the doctrine of common employment, was one logical solution, and that the other logical solution was to leave things as they were.

MR. A. J. BALFOUR said, that the other logical solution he had referred to was of an entirely different character from that.

MR. J. W. PEASE said, that what had been suggested by the hon. Member was, practically, of no service. The suggestions on the subject in that House had been practical, and irrespective of any logical solution. The Government had endeavoured, in that Bill, to deal practically with the question; and he had never hesitated to say that it would do more harm than good to the working classes, as it would lead them to believe in a compensation which, were common employment done away with, they would not receive as the decisions on contributive negligence came into effect. That Amendment of his hon. Friend the Member for Bristol would make that clause run as follows:—

“Where, after the passing of this Act, personal injury is caused to a workman, by reason of the negligence of any person in the service of the employer, engaged in a branch or department of such service, separate and distinct from that in which the workman is engaged, he shall have the same right of compensation, &c.”

No one could read that Amendment without seeing that it took up, as nearly as possible, the whole ground occupied by the proposal of the hon. Member for Stafford (Mr. Macdonald). He agreed, therefore, with what fell from the hon. Member for Oldham (Mr. Lyulph Stanley), that the Government could not go on with the Bill if they accepted that Amendment, as it involved the repeal of the law of common employment. Therefore, the question was not before them then, whether that Bill was satisfactory to the working classes of the country or not. The Government ran the risk of satisfying them; and, if they did not, they would, perhaps, give further consideration, at another time, to the matter. But the question was then, were they going to pass a measure during the period of the present Session that remained or not? It seemed to him that the Amendment was somewhat vague as regarded the departments to which it

referred. If they took the case of a coal mine, which often consisted of three or four seams, were the men to be considered working in separate departments in each seam or not? Then, if they took the coal at the different stages of the works, passing through crushing machines to the coke ovens, how were those different stages to be treated? That clause was, in fact, replete with difficulties, and would entail the greatest difficulties in being carried out. His hon. and learned Friend the Member for the Tower Hamlets (Mr. Bryce) had stated that the working classes were in favour of that Bill. On the contrary, many were absolutely opposed to it. The President of the Northumberland Miners' Institute said—

“They did not want their big brother in London to look after them. If anything was wrong in the pit they called the attention of the overman to it. If he did not put it right they called the attention of the master to it; and, if he did not put it right, they walked out of the blessed pit and left it. They looked upon that Bill as likely to do more harm than good.”

For his own part, as an employer, he did not care twopence for the Bill. It would cost him little or nothing. The only difference would be that, if he chose to do so, he could deduct what he was obliged to pay from that which was paid voluntarily. In that case the amount due on the legal responsibility laid down by the Government was less than that paid voluntarily. He was bound to say that the Amendment reproduced the whole of the Bill of the hon. Member for Stafford, and went into the whole doctrine of common employment. If he understood the views of the hon. Gentlemen on the other side of the House to be represented by what had fallen from one of their Leaders, it was that, however unsuccessfully they might attempt to hamper the Bill there, if it passed that House they knew where it would be stopped. He hoped the hon. Member for Bristol would not press his Amendment to a division, because he felt certain that if it were carried it would have the effect of annihilating the Bill.

MR. RYLANDS said, that he regretted very much that the right hon. Gentleman the Member for South West Lancashire (Sir R. Assheton Cross) was not in his place at that time. He regretted, also, that other Members of the late Government were not present. It

present. He did not wish to trespass on the time of the Committee, because he felt he could better assist the passage of this Bill by sitting silent than by speech; but, at the same time, he wished to say a few words in answer to the hon. Member for East Derbyshire (Mr. Barnes). That hon. Member had put a hypothetical case, suggesting that if the late calamity at Risca had resulted from a miner striking a match and lighting his pipe, that it would be unjust to make the owner liable for damages. He was not now going to argue whether that would be just or not, although he felt a good deal could be said for making the employer liable even in that case. It was surely just as fair that the employer should be liable for such lax discipline as that which allowed men to go into dangerous mines with matches as that the workmen, generally, who had committed no fault should suffer injury without the chance of recovering compensation. At the same time, what he wanted to say was that he thought it was not in the best taste at the time when the corpses of these poor men were not yet out of the mine, to put a hypothetical case which, in all his experience of miners and mining—which was a very long one, and in connection with very large bodies of men—he never knew to happen. A man might open his lamp, or strike a match, for the purpose of lighting his pipe; but he never knew the least sign to be found of that in any mine with which he had been connected. He felt sure that the whole body of workmen would stigmatize very severely the conduct of any man who was guilty of such outrageous and reckless conduct.

DE. CAMERON said, he was very sorry to hear the decision of the right hon. Gentleman, which he hoped would not be filed, for all the anomalous decisions quoted and used as an argument for the abolition of common employment were all cases which would be met by the introduction of this Amendment. In fact, if it were put in in place of the four preceding sub-sections, more would be done to arrive at a permanent decision with regard to this matter than would be arrived at by carrying the Bill in its present form. He was entirely in favour of abolishing the doctrine of common employment; but that was not the proposal which they now had to consider. It had been suggested that if this

Amendment was carried mines should be exempted from this operation. But an hon. Member had tried to make the Committee infer that if an accident happened an owner would be liable for any person killed or injured. He did not take that to be the meaning of the clause at all, and his hon. Friend the Member for Bristol (Mr. Morley), he was sure, did not intend that to be the meaning of it. Even if it would do anything of the sort it could be so amended as to prevent the possibility of it. The class of cases which it appeared to him to meet was a very different one. There had been no more frequent cause of litigation among the various classes of accidents than that of over-winding in pits. Miners coming up from a pit, through the negligence or carelessness of the engineer, had been over-wound, precipitated to the bottom, and killed; and it must be familiar to every legal Gentleman in the House that a decision in the House of Lords had carried forward the doctrine of common employment to such cases. But those were the very cases which this clause would meet; and if any class of cases showed the necessity for an amendment of the law, he would point to this particular class. Not long ago there was an accident in Paris of exactly that kind by which a lift in an hotel was run too high, and a number of persons were killed. Immediately after that Mr. Lowthian Bell wrote to *The Times* explaining that no accident of that kind ever should occur, because an apparatus might be designed to prevent it. In all his pits, he said, he had safety-catches, and thereby no accident could possibly occur. It was written, half-a-dozen days after the publication of that letter, that a cage in another pit was over-wound and six men were killed. By such accidents some persons must suffer loss; and in the interests of public policy that loss should surely rather fall on the owner than that the family of the injured workmen should be compelled to bear it. The application of this Amendment was nothing like so wide as an attempt had been made to make it. It was a fair proposal, intended to remedy all the anomalies that occurred in the existing law, and it would do a great deal to make this Bill something like a permanent settlement of the question, which it would not otherwise be.

*Mr. Burt*

would put it to the Committee, was it reasonable that owners of mines, who had taken every step in their power to prevent that recklessness on the part of the persons employed, should still be held liable? Was it reasonable, if a man went down into the mine, struck a match at a moment when there was a flow of gas and an explosion occurred, which cost the lives of a great number of workmen, was it reasonable or just that the owner, who had done everything in his power to prevent such a catastrophe, should be held responsible? Let him remind hon. Gentlemen that when an explosion took place, and a great destruction of property occurred, the owner of the mine was already exposed to enormous loss. His hon. Friend and partner, the Member for Wigan (Mr. Knowles), whom, he was sorry to see, was not in his place then—because if he had been he would not have thought it necessary to speak as he had done—commenced life as a worker in mines. He had risen gradually, step by step, and had always regarded every point in the interest of the working man, with whom he deeply sympathized. He was at that time a man of property, and sat upon those Benches, and was an excellent Representative of labourers in mines. He knew that he wished to promote the interests of those he employed; and he had said that he believed it would not be to their welfare that the extraordinary views of the hon. Member for Bristol should be acted upon. Before he (Mr. Rylands) was connected with his hon. Friend in business he had an accident in his mine. There was an explosion; the result of it was a loss to him of some £100,000. It was one of those accidents which were unavoidable, and was probably occasioned by some carelessness, or recklessness, on the part of some person employed, and yet it was proposed then, in such a case, to make the owner liable for an immense amount beyond the enormous loss which already fell upon him. They all knew that it was to the interests of colliery owners that accidents should be as infrequent as possible; and if they could do anything by legislation to make owners or managers more careful in every way, so as to save the lives of those employed, that would be, undoubtedly, a good work. But it must be obvious that if a mineowner or manager did not take those steps to

save life, and any accident occurred, he would be guilty really of a crime. It was said, with reference to the proposal of his hon. Friend, that it would tend to preserve life. He doubted that; they saw that, by the Bill as it stood, owners of mines would be liable for all persons in authority, and would have to bear the loss if anything occurred to cause injury. He thought that some limit ought to be put to the liability, so that the owner should not be answerable for the recklessness of all in his employ. The hon. Member for South Durham (Mr. Pease) had quoted from a speech of Mr. Brison, the President of the Northumberland Miners' Association. Hon. Members must have observed that he alluded to the gratifying circumstances that in the Northumberland district there were very few accidents. He believed that that district was freer from accidents than any other in the Kingdom. He had often remarked that freedom from accidents in that district, and he had only wished that the other mining districts were in the same condition. But what did they find in the statement of the President of that Association? He had given, he believed, a correct reason for that freedom from accident. He had pointed out that the miners of Northumberland took active part in insisting upon any matters being rectified which appeared in any degree to render the mine dangerous. Mr. Brison said he was sure that went a long way to protect them from danger. They wanted that kind of thing all over the country. They wanted employers, agents, and *employés* to work together, with a view of preventing accidents, as far as possible. He believed that that Bill, so far as it went, was a move in the right direction, and that it would do justice in cases in which justice up to the present had not been done. It was, no doubt, important to alter the law, so as to prevent injustice being done; and, therefore, he was prepared to support it. But when hon. Gentlemen talked about final legislation, he must say that he did not think the Bill would attain that object; whilst to carry it further in the direction suggested by the Amendment of his hon. Friend the Member for Bristol (Mr. S. Morley) would do a great injustice to employers of labour, and would not promote the interests of the workmen themselves.

the agitation would merely gain fresh fuel instead of subsiding. He did not at all mean to say that the Amendment was a complete and final settlement of the question, for it might be that some distinction ought to be introduced with regard to mines, and some other alterations might be necessary; but he did submit that it was monstrous that cases like those cited by the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) should be left unremedied.

While such a case as that of a railway clerk or manager, injured while travelling on his own line of railway, and therefore not able to obtain compensation, remained undealt with by the Bill, its proposals could not be accepted. He should, therefore, suggest to the right hon. Gentleman that his proper course, if he felt a doubt about the Amendment, would be to give some assurance that this question should be considered on the Report, and further dealt with by some clause which should commend itself to the Legal Advisers of the Government, who had to deal with this question. If that assurance were not given, not only would the hon. Member for Bristol divide the Committee, but he would certainly have considerable support from both sides of the House. Speaking on behalf of a large constituency, he might say that he knew there was no question which excited more interest than this did among workmen, and he was sure his experience would be borne out by many of those who had experience of the last Election. This was not a got-up agitation at all. It was a question on which the working men felt very seriously, and on which they would not cease to agitate until substantial justice was done them. When the hon. Member below him said that if this Amendment were accepted he and his Friends would have to re-consider their decision to support the Bill, he might also say that some other hon. Members would also feel it necessary to re-consider their course towards the Bill, if it were not accepted. As the hon. and learned Member for Plymouth (Mr. E. Clarke) had said, the employers were making a great mistake in the way in which they were dealing with this Bill. They would make an even greater mistake, if they prevented the Bill from being carried in a fairly satisfactory form in which it might satisfy the sentiment of justice in the

minds of the working classes. If that were not done, they would have an excitement and discontent which would continue until the whole doctrine of common employment was got rid of. It had been said that lawyers could not give a useful opinion on this question, because they were not engaged in trade; but, as a matter of fact, they had to deal constantly with cases, sometimes on behalf of a plaintiff, and sometimes on behalf of a defendant, so that they were able to see both sides. They were not interested, either as employers or as workmen, and they were, therefore, in a good position to form an impartial judgment. The fact that a large majority of lawyers, both inside the House and out of it, were in favour of the Amendment which had been moved, was a strong evidence of its value; and he ventured, therefore, to appeal to the Government to give them, before the Bill left the House, something which would substantially attain the object which the Amendment sought.

MR. DALY said, he felt that the Amendment was a vital part of the Bill, and it was for that reason that he rose to support it. He wished the Committee to remember that the right hon. Gentleman opposite had sympathized with the Amendment, and had recognized its fairness. Now, the object of all legislation should be to still agitation; and he did not think the Government could do a more imprudent thing than to pass a half measure in this way, and to leave untouched the other half, which they themselves admitted was fairly asked for. An hon. Member opposite, who described himself as having a large interest in mines, said this Bill was a moderate and reasonable settlement of the question. He denied that it was. The hon. Member also said that it would be accepted as a moderate and reasonable settlement by the country, and he denied that statement also. The hon. Member then used a term which was a very unfair argument, as he thought, to be applied to the Committee, by saying that he and some of his Friends would not support the Government if the Amendment was persevered in. The fact was, that this was an objection against legislation for the poor man coming from capitalists and men of property. Yet the ground was cut from under their feet by the fact that it had

been established, beyond doubt, that the employers had a power of protecting themselves from a liability to accidents at a cost which only amounted to six-tenths of a penny per ton. While the extension of this liability would work in favour of the poor man, when it was made capitalists would observe a very rigid discipline in their mines, and would make a more searching examination of the men, the materials, and the appliances which they employed in those large undertakings. It would impose no hardships upon those great mine-owners, because they had a practical monopoly of the business, and the extra charge to which they were put would have finally to come out of the pocket of the consumer. He, therefore, hoped that the right hon. Gentleman would accept this Amendment. His sole objection to it was that it was not mentioned on the second reading; but he would appeal to the Committee whether the Amendment was not a fair extension of the principle of the Bill, and not by any means a large extension of it? It was very desirable that the Government, with so many large measures in view, should dispose of this agitation—for some years to come, at any rate—and he must warn them that if they passed the Bill in its present form, it would only be the precursor of an agitation ten times more powerful.

MR. LYULPH STANLEY said, that he hoped the Amendment would not be pressed to a division. He could not say that he was opposed to the Amendment of the hon. Member for Bristol (Mr. Morley); on the contrary, he thought that what he proposed would be a proper state of the law. But he opposed it for this reason—that he considered it fatal, or destructive to the Bill. In the first place, it was perfectly obvious that if the Amendment were carried it would so much widen the scope of the Bill—and there was such a number of Amendments upon that Amendment, from the point of view of employers and capitalists—that it would have the effect of postponing the Bill to another year. Secondly, he thought that question was such a wide one that it was really a second reading question, and not one for the Committee. They had heard a speech from the noble Lord opposite (Lord Randolph Churchill) which ought to have been given on the second read-

ing. If the noble Lord had been the Leader of a Party above the Gangway, instead of below it, it might have had some weight in the discussion; but, coming from whence it did, it was not likely to promote legislation. It was not correct in the noble Lord to describe the Bill as a blank Bill; for though the Bill was not in its present form on the second reading, yet they had had a second reading debate on the Bill in its present form on the Motion for going into Committee. There were two grievances which had been felt. One was, that where a person in a superior position had given orders to another and an injury resulted the employer was not liable for the *employé* who stood in his place; and, secondly, where there was an immense extension of employments, such as was the case with the large Limited Companies and Railway Companies, there were, practically, different employers coalesced into one, yet the workmen employed in separate branches were treated as in one common employment. The Government, in this Bill, had dealt only with the grievance of suffering an injury from some person in a superior position to the person injured, to whose directions that person was bound to conform. But they had not dealt with the grievance arising from a multitude of separate employments gathered into one one under a Board of Directors. The Amendment was one that went very near the abolition of the doctrine of common employment; and he would urge it upon the hon. Member not to press it to a division, considering that there were 12 pages of Amendments down, especially, also, considering the fact that, if successful, it would be absolutely fatal to the Bill. On that account he thought that, to a certain extent, they were in honour bound not to impede the measure; and he hoped the Government would stand firm when they came to the later Amendments on the question of insurance, which had been put on the Paper by hon. Gentlemen on the other side. If the Government did stand firm to their Bill, and resisted the pressure from the other side, they were bound not to put pressure on that side, which would only add fuel to the opposition to the measure. He was aware that it was a popular thing to vote on the popular side; and as he represented a populous constituency, he ought, per-



haps, to vote for the Amendment. But, at the same time, he thought that it was his duty to the Government to assist them in passing the Bill as it at present stood. Therefore, he did hope that his hon. Friend the Member for Bristol (Mr. Morley) would not press his Amendment to a division.

MR. A. J. BALFOUR said, that it appeared to him that the hon. Member who had just spoken had accused his noble Friend (Lord Randolph Churchill) with having made a speech that should more properly have come from the Front Opposition Bench. He should say that the speech of the hon. Member was more like that of a Member of the Government than of an independent Member; because, what was his argument? His sole argument, as he understood it, was that the Bill ought to be passed, whether it was a good or bad one; and if that Amendment were carried, the Bill would fall through for the Session; and that it was so much more important that some Bill should be passed than a good, one that it was their duty to support the Government. An hon. Member had spoken of the Bill proposed by the Government as being a moderate and reasonable one, and in settlement of the question. That the Bill was a moderate one he would not deny; but that it was reasonable, or a settlement of the question, he did most emphatically deny. It was by no means a settlement of the question. The Government, in bringing it in, were influenced by two motives, two principles of action, that could not be reconciled. They wished, at the same time, to bring in a Bill that would satisfy both the employers of labour and the workmen of this country. They had, no doubt, failed with regard to employers; and nobody, he believed, who understood the position of the workmen in regard to the matter, could say but that they had failed also with them. When the Bill was discussed on the Motion that Mr. Speaker do leave the Chair, he had ventured to point out that no Bill could be final or satisfactory that would leave the workman in a different position from the public. So long as that difference existed there would always be a grievance. He had ventured to suggest a method by which that inequality between the workmen and the public might be done away with. That suggestion did not meet

with favour from any part of the House. He was described as a visionary philosopher, and it was said that the suggestion—theoretically excellent though it might be—could not be carried out in practice. He thought the discussion they had just had must have convinced the Government that the line they had adopted was not likely to prove successful. The logical solution of the question had been proposed, not by them, but by the hon. Member for Stafford (Mr. Macdonald), whom he did not see then in his place. He thought they must have seen by the discussion that had arisen on that Amendment, and by the opinions that had been expressed in every part of the House by Gentlemen of all shades of political opinion, that if they insisted in carrying the Bill in its present shape they would not do that which they intended to do—namely, allay the agitation that now existed in the country with regard to the matter. He had not sufficient practical experience of the manufacturing industries, such as mining, to know how they could be affected by that Bill, or how much damage would be done by the Amendment of the hon. Member for Bristol. But this he did say—that the Bill could not possibly be good for the manufacturing interests of this country to allow such an alteration in the relative position of employer and workman to take place. If they altered the law at all, and changed it from the condition in which it had stood for the last 30 or 40 years, let them, at all events, alter it in such a manner that no further alteration might be demanded of the influential classes of the community. He could not help thinking that, from the course the Government had pursued, they had the greatest objection to the Amendment of the hon. Member for Bristol; but, believing, as he did, that it was a step towards the settlement of the question, if he proceeded to a division he should support him.

MR. J. W. PEASE said, that, unfortunately, his duties upstairs had prevented his being present at the early part of the discussion. The speech of the hon. Member who had just sat down was one of those speeches which they were so apt to have from the Conservative side—namely, that the House was in a difficulty as to the logical solution of the matter. That that which had

*Mr. Lyulph Stanley*

happening which had given rise to much public agitation. Without going the length of the hon. Member for the City of Cork (Mr. Daly), and saying that the chief object of legislation was to pacify agitation—a mistaken view which, considering the history of the present Session, he did not think extraordinary—without going that length, he thought it fair that consideration should be given to the effect that this legislation would have upon the just demands of those interested. The effect of the Amendment of the hon. Member for Bristol, if adopted, would be to put an end to those unhappy cases in which a man was killed, or injured, by the negligence of his fellow-servants, with whom he had no more to do than the man in the moon, but in which he was precluded from obtaining compensation, because the man was, technically, his fellow-servant. He remembered a case in which a gatekeeper upon a railway exerted himself to save a horse and cart crossing the line from being run over by a train. The cart contained some women and children, and through the heroism of the gatekeeper the women and children escaped; but he himself was killed. The unhappy wife and children of that gatekeeper were unable to obtain compensation on account of his death, because it was said to have been caused by the negligence of his fellow-servant—namely, the engine driver. This Amendment was one which would meet such a case as that; and he would, if the capitalists of the House would allow him, put the matter before them for their consideration. Would it not be better for them to join the Government in making this Bill one which would secure a substantial settlement of this question, which would allay agitation, and settle the question for some years, and give the Government the credit, which he did not grudge them, of having passed a substantial measure?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, no one could doubt that the Amendment of the hon. Member for Bristol had raised a very serious and important question for the determination of the Committee. He would ask the Committee to allow him to point out the position in which the Government were placed in relation to it. They had to consider whether the law required any amendment at all; and,

if it did, whether the defence of common employment should be abolished, and the employer be made liable for the negligence of one servant towards another. It was the view of the Government that a middle course should be taken. They were of opinion that an important change in the relations of capital and labour would be more safely carried out if it were gradual in its nature. When that view was presented to the House he understood that the advocates of the abolition of the defence of common employment were satisfied with the course that the Government had taken. The hon. Member for Stafford (Mr. Macdonald), who had charge of the Bill which entirely abolished that defence, expressed himself satisfied with the measure of the Government. Now they were met by an Amendment which went far in advance of the Government Bill, in the direction of that of the hon. Member for Stafford. When they looked to the words of the Amendment, it would be found that there were dangers attaching to them which would require the greatest consideration. Last night they were told that this Bill was almost revolutionary in its effects. The hon. and learned Member for Preston (Sir John Holker) charged the Government with having truckled to their constituents; and that morning the hon. and learned Member for Plymouth (Mr. E. Clarke) had expressed the view that they had not gone far enough. The Government had listened to views from other quarters of the House, and more especially to those put forward by the hon. Member for Bristol (Mr. S. Morley) in favour of some further limitation of the doctrine of common employment. He would ask the Committee to consider whether the Government could safely take the course suggested by the hon. Member for Bristol? The Amendment would affect not only railway servants, in whom the hon. Member was specially interested, but also the other industries, great and small, of the country. He looked upon the Amendment as likely to be very fruitful in litigation. If it would be right to accept the Amendment, it would be right to accept the Bill of the hon. Member for Stafford. The Amendment proposed to make employers liable for the negligence of all servants engaged in a distinct branch of employment. It was very usual for a man to employ,

was all very well for them to abdicate their functions, and leave them in the hands of the Fourth Party on ordinary occasions; but, in a matter of such extreme importance and delicacy as that one, he would venture to say that the Committee was entitled to have the presence of the right hon. Gentleman the late Home Secretary in those difficult deliberations. He did not know, of course, what steps would be taken by the Members of the late Government. He could not believe that they would allow a matter of that serious importance to be turned into a Party question. He had great respect for hon. Gentlemen below the Gangway; but he thought they were not to be congratulated on the course they were then taking. They seemed to be desirous of putting the Government to some little embarrassment by supporting the Amendment. He wished to say that he did not look upon that as a Party question, or as a question for employers or workmen only. He had a strong impression that both employers and workmen had common interests with respect to it. He entirely repudiated the statement made by one hon. Member, that the Bill was brought in in consequence of the agitation that had taken place. It had been introduced because employers saw that the present state of the law was of an unsatisfactory character. There could be no doubt whatever that employers were alive to a sense of injustice, in consequence of the doctrine of common employment, as maintained by the Courts of Law. He would venture to say that, so far as he knew—and he had spoken to those connected with business, and who, therefore, were competent to form an opinion—it was desired to alter the law, and that where, in consequence of any negligence on the part of the employer, or of persons intrusted with superintendence of works, any injury arose to the persons employed, employers were, as a rule, quite willing to be responsible. That was a perfectly clear principle, and a principle of justice; and one that, he believed, no employer would refuse to accept. The only real difficulty had arisen out of the application of the doctrine of common employment. There had been hard cases of men who had suffered injury, and had had reasonable claims upon Railway Companies for compensation. But the difficulty they were then placed in was this—they had to

deal with a variety of employments carried on under entirely different conditions of labour. The railway system was now a great branch of employment. Of course, a generation or two ago it was not in existence at all. They knew that very great injustice had been done in the case of *employees* who had been killed or injured; and, in order to meet such cases, a special Bill might be brought in having relation to railway *employees*. He was not disposed to have the legislation under that Bill contracted in any manner; but, in connection with railways, he thought it would be better to have a special Act dealing with that particular matter. It would be much better than having a general Act, such as that with which they were then dealing. He was quite sure that with regard to mines they were entirely in a different category; but he was very much disposed to think that the wisest course would be to deal with those great employments which existed under exceptional circumstances by exceptional legislation. As regarded the general mass of employments, there would not be the slightest difficulty, and such cases might be easily dealt with. But when they came to mines the circumstances were quite different. His hon. Friend the Member for Morpeth (Mr. Burt) had said that it should be the duty of employers, or their agents, to take care that the men going down in the mine did not violate the regulations by taking lucifer matches or tobacco with them. Would his hon. Friend have every man stripped before he went down? An accident might, no doubt, take place in a mine owing to the recklessness or carelessness of a man who went down and took lights with him entirely in opposition to the express regulations of the employers. He had heard a great deal said about litigation. That Bill, if it adopted the more general view of the hon. Member for Bristol (Mr. Morley), would, no doubt, avoid litigation. Supposing, for instance, that a great explosion took place in any particular district, he took it, as a matter of course, that under the Amendment of the hon. Member the employer would have to pay compensation for the injury caused, whatever might have been the reason of it, or however much individual persons might be liable for it. Therefore, it would prevent litigation, because the employer would have no defence. He

so, great good would be accomplished, and a provision would be made acceptable to the workpeople of the United Kingdom. Some charges had been made against hon. Members of truckling to their constituents. To his knowledge, he had not more than 10 railway servants amongst his constituents. Therefore, he had no motive in this matter, except his own sense of right and duty.

MR. BRADLAUGH said, that he had heard hon. Members represent, over and over again, that the acceptance of the principle of making employers liable for the negligence of one servant to another would entail absolute ruin to mineowners. He thought that when so much was said about the rights of property, that something should be said on the other hand with regard to human life. There was absolute ruin to the wives and families of the 250 miners instantaneously destroyed by the horrible explosion the other day. There was often life-lasting ruin to the miner, and misery to his family, when an accident permanently disabled him. Those who pleaded so strongly for the rights of property should remember that something ought also to be said for the rights of life.

MR. HINDE PALMER said, that as he had taken great interest in this subject, he was very anxious, before the hon. Member for Bristol withdrew his Amendment, that there should be a distinct understanding come to that this question should be raised at a later stage of the Bill. It was not the object of his own Amendment to abolish the doctrine of common employment, but to modify the application of that doctrine to the justice of individual cases. As he understood it, the doctrine of common employment, up to this time, had been made the subject of technical legal ruling, to the great injury of the working classes. What was required was that there should be some modification of that doctrine, that the working classes might obtain justice whenever injuries occurred. From the interesting speech of the hon. Member for Glamorgan-shire (Mr. Hussey Vivian) he thought that the mining interest was in a different position from any other with which the Bill would deal. It was obvious that they ran a risk of physical circumstances, which did not apply to

the cases of other employments, where mere acts of negligence might produce those injuries. He thought, therefore, that the mining interest had a special case of its own, and that it might be better to have future legislation with regard to that interest in some separate measure. It struck him that, having regard to the special circumstances of the mining interest, it might be well not to take them out of this Bill, but to put some qualification in the clause which might exempt, or in some degree mitigate, its effect upon the mining interest of the country. He thought that that was quite capable of being accomplished; but before his hon. Friend withdrew his Amendment—for which, if he went to a division, he should certainly vote—he thought they ought to have some guarantee that when the Report was brought up the Government would assist his hon. Friend in framing such a clause as would meet the exigencies of the working classes with reference to the doctrine of common employment, if it could be done without injuriously affecting the mining interest of the country.

MR. S. MORLEY said, that he would rely upon the assurance of the Government that this matter should be dealt with upon Report. He trusted that the Government would then make some proposal which would be reasonably satisfactory. He should, therefore, withdraw his Amendment.

SIR WALTER B. BARTELOT said, that the Government had laid down, as a distinct principle, that they would not interfere with the law of common employment. If that were so, the Amendment of the hon. Member for Bristol went a very long way in that direction. The great question for the Committee to consider was this—if this question was to be raised upon Report, he would call the attention of the hon. Member for Bristol to the fact that this question was one that ought to have been raised upon the second reading of the Bill, in order that the House might have had the whole question before it? If it were again raised upon Report, they would have the whole matter discussed over again. The question for the Government to decide now was, would they, or would they not, accept the Amendment of the hon. Member for Bristol? That was a point upon which they ought to speak

Mr. HERMON said, that it had been stated by the hon. Member for Cork City (Mr. Daly) that the object of all legislation was to still agitation. In his (Mr. Hermon's) opinion, the object of all legislation should be to do what was right and just. He was quite sure that it only required a little moral courage to deal with this matter in a way which should be right and just. They had spent a considerable time in discussing the Bill, and he should be sorry that anything should happen that would necessitate its abandonment. He could not help thinking that the hon. Member for Bristol (Mr. Morley) had introduced a subject which the right hon. Gentleman the President of the Local Government Board, on the second reading of the Bill, distinctly said he was not prepared to introduce into the measure. As regarded the doctrine of common employment, if made the subject of a separate clause he should be prepared to discuss it, and perhaps give it a favourable vote. But he thought that the introduction of the subject by the present Amendment was unwise, and that if the Amendment were persisted in there would be great risks of the Bill not being carried through at all. He did not wish that the Amendment now under discussion should not be considered. But he would recommend to the hon. Member for Bristol that he should now withdraw it, and bring it up as a new clause upon the Report. He was quite sure that the Government would then give every facility for the question being fully and fairly discussed. The Bill would have to go through various changes in Committee; and the Government, when they had the Bill in its amended shape, would be enabled to come to a deliberate decision as to whether or not they should adopt the principle of the Amendment. He was not prepared to say that he should vote against the principle of the Amendment; but he thought they had now made such progress in the Bill that it would be advisable not to imperil it by pressing the Amendment. Hon. Members must consider that while they were willing to give every facility to the consideration of the protection which was needed by the workman, that the position of the employer also required very careful consideration. He was in a position to speak upon this subject, for he had had

the management of large works in which he had become acquainted with all the risks to which employers would become liable. So far as his information went, he believed that whenever accidents now happened in works the first question that the employer asked was whether anybody was hurt? It had never been the custom of the employer to ask, in the first instance, what was the damage? There had been a sympathy between employers and employed which, to a certain extent, had done more good than many Acts of Parliament. He thought that this Amendment required very careful consideration on the part of the Committee. As the right hon. Gentleman declined to adopt it at that time, he would ask the hon. Member for Bristol to bring it up upon Report, in the shape of a new clause. They would then have time to see how it would affect the general scope of the measure before the House.

MR. HUSSEY VIVIAN said, that he thought the right hon. Gentleman the President of the Local Government Board would now excuse those who, six weeks ago, were of opinion that this Bill ought to be referred to a Select Committee. His conviction that it would be the best course to adopt at that time was now fully confirmed by the discussion they had had in Committee. If that course had been adopted the Bill would before this have assumed a much improved shape, and might have become a substantial, and perhaps a final, piece of beneficial legislation. There could be no question that the Amendment of the hon. Member for Bristol opened up an entirely new phase of the question. There was no denying that, and he did not think the hon. Member himself would deny that his Amendment broadly went in for the abolition of the doctrine of common employment, or at least to so great an extent as to amount to that. If the Amendment were adopted, how much of the doctrine of common employment would remain? No one could have listened to the speeches that had been made by the hon. and learned Member for the Tower Hamlets (Mr. Bryce), and other lawyers, without feeling that great injustice and hardship occurred in a great many cases, especially in relation to the case of railway servants. He himself had entertained that feeling upon the second reading of the Bill. The difficulty was that

reading discussions. But it was important to refer to those reasons, because he wished to ask whether it would not be well to consider them, in view of the future progress of this measure? And he confessed that for the Bill to fail at last would be a national calamity, considering the loss of time and the excitement which it had occasioned to everybody, and the great demand there was for some legislation. Would not the Government be more likely to produce a satisfactory Bill if, at this stage, they would say that they were willing to entertain this proposal? To do that would allay a great deal of uneasiness, while it would enable them to deal with these questions in a separate manner, as had been suggested.

MR. LABOUCHERE said, although he had been listening carefully for some time he had not gathered whether the Government agreed to the proposition of the hon. Member for Bristol or not. That proposal was a specific one, and he understood the hon. Member was prepared to withdraw it, upon the understanding that facilities would be given to him to bring forward a similar Amendment, applicable alone to railway servants, on the Report. He did hope that they would immediately have some statement from the Government as to what course they would take.

MR. EDWARD CLARKE said, he hoped the hon. Member for Bristol would not be hasty in withdrawing the Amendment, for the reason that there would be no advantage in doing so, as the question would certainly be discussed again upon the Report. They had had a considerable discussion, the whole matter had been talked over, and to postpone it would only mean the recurrence of a very considerable debate on the same matter. They had gained something, no doubt, by the debate, because they had registered the acceptance by the Government of the principle of the Amendment, so far as railway servants were concerned. He wished to follow up that point, as it seemed to be suggested that there was one special industry—the mining industry—which, from particular reasons, deserved to be specially considered. But if that were so, why not leave out mines from this proposition? Although, for his part, he did not understand why, if the principle of the Amendment was right in

regard to railway servants, it was not right in regard to other servants. He was sure none of them would like, simply because there were a great many railway servants in the country, to pass a law in regard to them which they would not be prepared to extend to other persons in the same condition of employment. He would really ask the Attorney General whether he was not prepared to go further, and to accept the general principle of this Amendment, giving opportunities hereafter to those who might be interested in the matter to endeavour to graft upon the clause an exception with regard to mines?

MR. DODSON said, he was not going to prolong the debate, and he only rose to answer the appeals made to him, and to repeat once more what was the position of the Government with regard to this Amendment. He had said that he could not accept the Amendment of the hon. Member for Bristol; but, at the same time, he fully sympathized with it. The Attorney General, speaking for the Government, had after that said that he could not accept the Amendment; but that if the hon. Member would prepare, and bring up on Report, a clause adapting his Amendment to the case of railway servants, the Government would favourably consider it.

SIR GEORGE CAMPBELL said, he did hope the hon. Member would not withdraw his Amendment. It was perfectly clear that it must be either right or wrong. If it was right, it should apply to all trades; and, therefore, the suggestion of the Government, that they should apply it to railway servants only, was not reasonable.

Question put.

The Committee *divided*:—Ayes 65; Noes 175: Majority 110.—(Div. List, No. 91.)

SIR EDWARD WATKIN said, the object of his Amendment was merely to promote that which a noble Lord opposite, a short time ago, had said would be inevitable if common employment were abolished—namely, the provision of a general system of insurance. He, therefore, wished to propose that the employer should only be responsible where no insurance fund existed, by inserting, in page 1, line 21, after the word “workman,” the words—

upon the mineowners would be enormously increased, as they would not only have to bear the whole loss from destruction in the mine, but would be liable to pay compensation were they made liable in the way proposed. He could hardly suppose that their property could be carried on in such a way as to enable them to stand up against the grievous risks which they would incur. In dealing with the case of mines, he thought, therefore, it was clear that the House was dealing with a different question to that involved in other industries. He hoped that the Committee would not be led away by a consideration of the injustice which the present law inflicted upon railway servants, and upon servants engaged in special undertakings, to adopt a principle which would entail most grievous injustice upon other industries. He had only heard one allegation with regard to mines in support of this Amendment; and, therefore, he trusted it would not be accepted, but that the right hon. Gentleman would resist it. The right hon. Gentleman the President of the Local Government Board might as well have at once accepted the Bill of the hon. Member for Stafford (Mr. Macdonald) as to accept this Amendment.

Mr. GORST said, that he did not know whether the hon. Member who had just sat down was endeavouring to perform the process of talking out the Bill; but he had certainly wasted time by giving them a little lecture on the effects of mixed gas and air, which he thought were well known to every hon. Member of that House. Hon. Members sitting on this side of the House, who took part in the discussion of the Bill, did so under difficult circumstances when accused by the hon. Member for South Durham (Mr. Pease) of trying to run the Government into a difficulty. Nor did the hon. Member for Burnley (Mr. Rylands) seem to understand the action they were taking upon this Amendment, because he said they were animated by a desire to make political capital out of the matter. Hon. Gentlemen upon the other side of the House were so extremely charitable, and so extremely liberal, in their views of the motives of hon. Members upon this side. But, notwithstanding what had been said by hon. Members on the other side, they should certainly continue to render their

assistance to Her Majesty's Government in the passing of this Bill. Her Majesty's Government was not likely to be run into difficulties by Members on that side of the House, but rather by wealthy capitalists on their own side, whose liberality, so conspicuous in their election addresses and speeches, did not seem to influence their conduct when a question affecting the interests of capital was under consideration. They had an instance of that in the case of the hon. Member for Glamorganshire (Mr. Hussey Vivian), who was perfectly ready to throw railways overboard. He said, in effect—"You may make what regulations you like about the railways, but spare, oh spare, the mines." That was the burden of his speech; and if the Government allowed itself to be misled in this matter by their own political supporters, they were much more likely to be run into difficulty than they would be by any speeches that came from that side of the House. He should not be surprised if the Government regarded anything he said on this clause with some amount of suspicion, not because he was a Conservative, but because he had before in that House expressed his opinion that nothing would solve the difficulties of this question but the abolition of the doctrine of common employment. Because he had expressed an opinion of that kind, he had no doubt that his hon. and learned Friend the Attorney General would receive any suggestions of his with extreme caution and mistrust. But he had endeavoured, in assisting the Government in passing the clauses of the Bill, to put himself into the position of a person who was not willing to abolish the doctrine of common employment, and to make the Bill as equitable as it could be made. So long as that doctrine continued, the Bill now under their consideration, if not a final settlement of this question, might, at all events, allay agitation for some time to come. It was because he thought that the Amendment of the hon. Member for Bristol (Mr. S. Morley) would greatly improve the Bill, without abolishing the doctrine of common employment, that he most earnestly commended it to the favourable consideration of Her Majesty's Government. He would commend it to their consideration, because those who had introduced the Amendment had cited instances of accidents

*Mr. Hussey Vivian*

on his proposition they could not discuss the question of insurance, because the insurance clauses were not yet reached. It would only be unnecessarily occupying the time of the Committee now to raise a question which must come up later on.

*Amendment negatived.*

SIR HENRY HOLLAND (in the absence of Mr. STAVELEY HILL) said, he had been requested to move an Amendment limiting the persons for whose benefit actions could be maintained to those named in 9 & 10 *Vict. c. 93*. That statute provided that the legal personal representatives should not maintain an action except for the benefit of a husband, wife, father, mother, grandfather, grandmother, stepfather or stepmother, son or daughter, grandson or granddaughter, stepson or stepdaughter. He was not sure, however, whether the attention of the hon. and learned Member for West Staffordshire (Mr. Staveley Hill) had been drawn to the wording of the clause in the Bill, as it was provided that the legal personal representative of the workman should only have the same right as if the workman was not in the service of the employer. He (Sir Henry Holland) was disposed to think, therefore, that the words of the clause already covered the provision which it was desired to insert; and if this was the view of the Legal Officers of the Government he would not move the Amendment.

*Amendment proposed,*

At the end of the Clause, to add, "Provided always that the legal personal representative shall not maintain proceedings under this Act except to benefit the persons named in the 9 & 10 *Vict. c. 93*."—(*Sir Henry Holland*.)

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, he had no doubt that the clause, as it at present stood, covered the proposal which his hon. Friend desired to make; but, still, he should have no possible objection to the words being inserted, so far as the Act affected England. His objection, however, was that the Bill also affected Scotland; and if this Proviso were introduced, it might have the result of, in some way, changing the Scotch law.

SIR HENRY HOLLAND said, after that expression of opinion, he would not press the Amendment.

MR. GORST wished to ask a question. A difficulty had been raised as to whe-

ther the words "when engaged in his work" were not necessary in this clause. It was suggested by the late Attorney General (Sir John Holker) that if they were not inserted the workman might be in the position of a trespasser who had no right to be there, and, therefore, might not be entitled to any compensation at all.

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, they were not intended to have that interpretation; but he would consider the matter before the Report. At present, they seemed to him quite unnecessary; and if they were objectionable he would propose on the Report that they should be struck out.

SIR HENRY JACKSON begged the Solicitor General to consider the words "personal representative" in that clause. He knew that at present the opinion of the Solicitor General was the other way; but, still, he would ask him again to consider what the effect of these words would be. He maintained that if the personal representative brought an action and recovered compensation, that the compensation would be part of the deceased's personal estate, and would be liable to his debts; whereas that should not be so, because the damages recovered were intended as a solatium to individuals. He knew that the intention was to make these personal representatives occupy the same position as they did under Lord Campbell's Act; but the clause, in his opinion, was scarcely clear at present, and the damages might be said to be assets.

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, he would consider the matter; but he did not think the words would have that effect, for the reason that Lord Campbell's Act only enabled the administrator, or executor, to sue for the express benefit of certain named persons.

MR. MORGAN LLOYD thought this reading of the clause would rather complicate proceedings. If they referred to that Act at all they would have a difficulty as to how far it was to extend. At present, they had simply this provision—that, so far as regarded persons interested in these cases, common employment should make no difference, and that would leave them in just the same position as they were now.

SIR HENRY HOLLAND rose to Order. His Amendment had never been put. He had announced that he would



out boldly, if they wished to pass the Bill. They ought to do what they believed to be right, if they wished to carry the Bill through; and if they did not wish to pass the Bill they should not have introduced it. He mentioned this in the interests of the Bill, for he thought that such serious interests were at stake with reference to this measure that it ought to be passed. But if they went in the direction pointed out by the hon. Member for Bristol, they were going to take a course dangerously near that suggested by the Bill of the hon. Member for Stafford (Mr. Macdonald). According to what had fallen from the hon. Member for Stafford, the railway interest was one thing, and the mining interest was another. But that was no reason why they should alter this Bill so as to deal differently with one of those interests. He thought it was a question for the consideration of the Government whether it was wise to pass a law out of which so many persons would be certain to contract themselves. He would appeal to the right hon. Gentleman the President of the Local Government Board to state distinctly whether he meant to go in the direction proposed by the hon. Member for Bristol.

SIR HENRY JACKSON said, that he desired to thank his hon. and learned Friend the Attorney General for the manly and straightforward way in which he had dealt with this proposition. He recognized, as everybody must recognize, the great pressure which had been brought to bear upon the Government in favour of this special legislation with regard to railways. He alluded to the pressure which had been brought to bear from that side of the House, and not from the small Party opposite, whom he might call the Tory Radical Party. What he understood was that his hon. and learned Friend the Attorney General intended to stand by the Bill; but if the hon. Member for Bristol, by-and-bye, brought up a clause dealing with the case of railway servants, then the Government would favourably consider it. That, of course, left the Government open to refuse it; but to say that the Government would consider it was going a very long way on behalf of the Government towards saying that they would favourably consider it. Unless the Government had promised to consider it, as he understood, the hon.

Member for Bristol would not have withdrawn his Amendment. But, on the other hand, it was not quite clear that the clause proposed by the hon. Member for Bristol did not comprehend the mining interest of the country. The mining interest certainly had most need to be alarmed. He understood that the Government did not intend to go any further in the direction of imposing this new statutory liability upon the mineowners, in respect of accidents resulting from the negligence of their workmen. Whatever might be said in the case of railways, the mineowners based their case upon this—that the operations of mining were subject to much greater risks and accidents than that of any other industry, and that already they were dealt with by special legislation. A mineowner could not sink a shaft, or do numerous other works, except under Government control. Why was that? Because the operations in which he was engaged were so very dangerous that the law interfered to see how it was to be carried out. That was the difference between the dangerous and non-dangerous trades. Mines were, therefore, an industry carried on under the direct supervision of the law. It was a question whether additional compensation should be given for mining accidents, or whether more stringent regulations should be made. His hon. and learned Friend said that their object was to provide for the maintenance of the wives and children of the injured. But that was by no means the object of the miners themselves. A Memorial to the Prime Minister on the subject stated—

"That money compensation was not the motive of the workmen in seeking to press forward the measure, but increased safety in following their many hazardous enterprises."

They had now arrived at a point when the Government must really make up their minds. These discussions were necessarily thrust upon them by a measure of this kind, which was a compromise Bill. The right hon. Gentleman the President of the Local Government Board was called upon to steer between the advocates of two different views, and it was almost inevitable that they should constantly have these discussions advancing respective views, discussions which might fairly be called second

extent, limit sub-section 1. In other parts of the Bill they had not thought it desirable to go the extreme length of abolishing the rule as to common employment. The law at present was that the employer was bound to take reasonable care, to have proper machinery, and to keep it in a proper state; but he could get rid of that liability, and discharge himself of it, if he engaged somebody else to do that work. The law held that the person so engaged was a fellow-servant, and in that way the law had allowed the employer to get rid of his Common Law liability. The Government, desiring to meet that difficulty, had provided that the employer should not thus get rid of his liability, but should be liable not only if he himself did not take due care, but if the person to whom he intrusted that duty failed to discharge his trust. Therefore, if the defect arose from the neglect of some person in the service of the employer intrusted by him with the duty of preventing it, the employer was liable. On the other hand, they might have two men engaged on a boiler, for instance, and one might take out a rivet, and, consequently, some mischief might happen to the other. The Government had determined not to go the whole length of making the employer liable in that case. The Bill merely made the employer liable for his own want of care, or for that of those to whom he had intrusted the duty, and it was to carry out that view that this sub-section had been introduced. Of course, if an employer looked after the matter himself the law cast upon him the liability. If, next, he did not put anybody in his place, it still cast upon him the liability; and if he put somebody in his place he would not be discharged of his liability under this Act if that substituted person was guilty of negligence. That being so, his hon. and learned Friend would see why this sub-section was put in, and exactly how it carried out the view of the Government.

MR. MORGAN LLOYD said, he considered this sub-section was absolutely necessary to qualify the wording of Clause 1. [*Cries of "Agreed, agreed!"*] If that was so, it was unnecessary to continue the discussion.

MR. BRYCE said, that, after the explanation of the Solicitor General, he would not press his Amendment, al-

though he continued to think that no sufficient reason had been shown for putting the workman in any different position, under sub-section 1 of Clause 1, from the position of a stranger. As respects the remarks of the hon. and learned Gentleman who had last spoken, if that hon. and learned Gentleman would read with attention the last part of Clause 1, he would see that his criticism was erroneous, and that there was good ground for the Amendment which he (Mr. Bryce) had proposed.

Amendment, by leave, *withdrawn*.

MR. HOPWOOD said, he believed the right hon. Gentleman in charge of the Bill was disposed to accept the Amendment which stood in his name—namely, in page 2, line 5, after “arose,” insert “or had not been discovered or remedied owing to.” He, therefore, begged to move it.

Amendment *agreed to*.

MR. INDERWICK said, he wished to move the next Amendment—namely, in page 2, line 8, before “works,” insert “ways.” Inasmuch as the Committee had already agreed to insert the word “ways,” in sub-section 1, they must also, he presumed, accept it there.

Amendment *agreed to*.

MR. SERJEANT SIMON begged to move that the words “in trade” be inserted after “stock,” in the same line.

Amendment *agreed to*.

MR. INDERWICK said, that he had an Amendment, to insert, in page 2, line 9, after “condition” —

“Or unless the defect might have been discovered by reasonable care or skill by or on behalf of the employer.”

But, inasmuch as the defect in the clause had already been pointed out by the hon. and learned Member for Stockport (Mr. Hopwood), and that hon. and learned Gentleman had suggested an Amendment, which had been agreed to, he should not move the one which stood in his name.

MR. HUSSEY VIVIAN said, the addition which he proposed to make to that sub-section was a matter of great importance. Unfortunately, by some mistake, his proposition had been divided into two parts; and, consequently,

"In any workshop or place as to which no mutual insurance fund as authorized by this Act, or by any special Act, is established."

The Committee must have observed that many of the speeches in support of this Bill had not been delivered by employers but by lawyers, who, no doubt, saw with satisfaction the prospect arising under it of a very great deal of business. They had heard several Communistic doctrines broached during this debate, and his experience had always shown him that ideas of that kind generally came from younger sons of Peers. They had heard a good deal of discussion of what ought fairly to have been described as the hobgoblin argument. There was a talk about a joiner's shop invaded by an engine; but he challenged hon. Gentlemen to show 10 cases in the 10 past years. The Committee seemed to have forgotten altogether the consideration of the justice of certain positions. Did they say it was just that "A" should be liable to "B" because "C" had done something which "A" did not wish him to do? It might be that the law was bad; but were they, by altering it, going to make it worse or better? It seemed to him that the Bill only increased the injustice, instead of diminishing and correcting it. It was an instance of exceptional legislation which ought never to take place, involving every kind of injustice. He humbly submitted that the lines of the Bill were not good. They had had many speeches from distinguished lawyers, who had given very decided opinions; but, if he was permitted, he should like to read a line or two from a lawyer, whose standing and reputation were equal to that of the hon. and learned Members who had spoken (Mr. Serjeant Simon and Mr. E. Clarke)—he meant Sir Samuel Martin. He wrote to Lord Bramwell, after reading his argument—which, in his opinion, had never been answered in that House—

"I quite agree with you. I could never agree with Baron Platt that if a man was hurt somebody should pay him, and somebody must be liable. If I were to alter the law I would make the master liable to the servant in no case where the master is not to blame."

And he added that the litigation under the present Bill would be frightful. Then they were told that there was a great popular outcry for this legislation. He denied that. He was himself in a position to show that the bulk of the

sensible working classes were already connected with insurance funds; and they did not wish to substitute a harassing system of litigation for the quiet, regular, and fair compensations between master and man which at present had done so much for them. No doubt, a large number of Members had got into Parliament who had given pledges to support this legislation. At the same time, their speeches all merely repeated a similar argument. But what was it they wanted to do? After many years, and a large experience of the results of insurance, they had brought the great bulk of the large employers of labour to consent to that system; but this Bill would entirely overthrow all that, and bring up a new source of liability. It would also affect others besides manufacturing industries; because it was well known that more people were killed in attending to agricultural industries than all the railways in the United Kingdom. His proposition, therefore, was that they should only allow this Bill to come into operation where the employer and the men had not made some provision for meeting the case of accidents. He did hope the Government would be ready to consider some reasonable scheme of insurance, and that would show whether the front Bench had really anything like a serious intention to deal with the whole case of accidents arising from the carelessness of one person or another, or from inevitable causes. They were told that this Bill would promote insurance. But he wanted to know how the throwing a penal measure at the heads of employers would do that, or induce them to take more pains? How, also, was it possible, if, under this Bill, they established an indefinite risk, which might be £5 in one case and £5,000 in another, for them to insure the employers against that risk? As a consequence, the employer would be forced to bear the risk himself, because it was absolutely uninsurable. It might be said that his clause was clumsy and indefinite; but it would, at any rate, have the object of testing the opinion of the Government on this question, and ascertain whether they were inclined to deal with it in a fair and straightforward manner, not in a piecemeal fashion, but with the whole.

Mr. DODSON said, he would not follow the hon. Member into his general statement, but would merely point out that

*Sir Edward Watkin*

extent, limit sub-section 1. In other parts of the Bill they had not thought it desirable to go the extreme length of abolishing the rule as to common employment. The law at present was that the employer was bound to take reasonable care, to have proper machinery, and to keep it in a proper state; but he could get rid of that liability, and discharge himself of it, if he engaged somebody else to do that work. The law held that the person so engaged was a fellow-servant, and in that way the law had allowed the employer to get rid of his Common Law liability. The Government, desiring to meet that difficulty, had provided that the employer should not thus get rid of his liability, but should be liable not only if he himself did not take due care, but if the person to whom he intrusted that duty failed to discharge his trust. Therefore, if the defect arose from the neglect of some person in the service of the employer intrusted by him with the duty of preventing it, the employer was liable. On the other hand, they might have two men engaged on a boiler, for instance, and one might take out a rivet, and, consequently, some mischief might happen to the other. The Government had determined not to go the whole length of making the employer liable in that case. The Bill merely made the employer liable for his own want of care, or for that of those to whom he had intrusted the duty, and it was to carry out that view that this sub-section had been introduced. Of course, if an employer looked after the matter himself the law cast upon him the liability. If, next, he did not put anybody in his place, it still cast upon him the liability; and if he put somebody in his place he would not be discharged of his liability under this Act if that substituted person was guilty of negligence. That being so, his hon. and learned Friend would see why this sub-section was put in, and exactly how it carried out the view of the Government.

MR. MORGAN LLOYD said, he considered this sub-section was absolutely necessary to qualify the wording of Clause 1. [*Cries of "Agreed, agreed!"*] If that was so, it was unnecessary to continue the discussion.

MR. BRYCE said, that, after the explanation of the Solicitor General, he would not press his Amendment, al-

though he continued to think that no sufficient reason had been shown for putting the workman in any different position, under sub-section 1 of Clause 1, from the position of a stranger. As respects the remarks of the hon. and learned Gentleman who had last spoken, if that hon. and learned Gentleman would read with attention the last part of Clause 1, he would see that his criticism was erroneous, and that there was good ground for the Amendment which he (Mr. Bryce) had proposed.

Amendment, by leave, *withdrawn*.

MR. HOPWOOD said, he believed the right hon. Gentleman in charge of the Bill was disposed to accept the Amendment which stood in his name—namely, in page 2, line 5, after “arose,” insert “or had not been discovered or remedied owing to.” He, therefore, begged to move it.

Amendment *agreed to*.

MR. INDERWICK said, he wished to move the next Amendment—namely, in page 2, line 8, before “works,” insert “ways.” Inasmuch as the Committee had already agreed to insert the word “ways,” in sub-section 1, they must also, he presumed, accept it there.

Amendment *agreed to*.

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“Or unless the defect might have been discovered by reasonable care or skill by or on behalf of the employer.”

But, inasmuch as the defect in the clause had already been pointed out by the hon. and learned Member for Stockport (Mr. Hopwood), and that hon. and learned Gentleman had suggested an Amendment, which had been agreed to, he should not move the one which stood in his name.

MR. HUSSEY VIVIAN said, the addition which he proposed to make to that sub-section was a matter of great importance. Unfortunately, by some mistake, his proposition had been divided into two parts; and, consequently,

withdraw it, and, therefore, this was absolutely unnecessary argument.

THE CHAIRMAN: I understood the hon. and learned Member to be speaking on the words of the clause itself.

MR. MORGAN LLOYD thought that the Solicitor General was preparing to give way unnecessarily. The more he considered it the more he was certain the present words were the best.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 2 (Exceptions to Amendment of law).

MR. BRYCE said, the Amendment he had to move was to leave out sub-section 1. If the Committee would look at Clause 1, they would see that in it there were four specified cases in which workmen were put, in regard to their employers, in precisely the same position as a third party. That Clause 1 did not give any separate and independent rights to workmen; it only gave them the rights that a third party, a stranger, now had. Now, in this 2nd clause, they had certain exceptions to these four cases, and those exceptions deprived workmen in four sets of cases of the compensation which Clause 1 had entitled them to. The first of those four sets of cases was contained in the sub-section to which he now desired to draw the attention of Her Majesty's Government. Did they conceive that this 1st sub-section of Clause 2 would place a workman in any different position towards his employer from that which a third party or a stranger would stand in? It might be that he had imperfectly understood the clause, and he therefore desired to ask the Government how they understood it. It either put the workman in a different position towards his employer from that of a stranger or it did not. If it put him in a different position from a stranger or third party, he should be glad to have some reason given him for its doing so. He did not see why a workman should be in a worse position than a stranger as regarded defects in the machinery, plant, and stock-in-trade. If, on the other hand, this sub-section did not alter the law, as laid down in sub-section 1 of Clause 1, and left the workman in the same position as a stranger, then what was the use of it? It was said that it was put in in

order to explain the clause, and to make the thing more plain to the reader; but he would remind the Government, and especially the Law Officers, of the difficulties which were constantly arising in the administration of justice from Acts purporting to declare the Common Law. The action of the Courts had given them a number of reported cases, with fine distinctions drawn between them; but persons who understood the technicalities of law knew how to work the law out of these cases. Then somebody passed a fresh Act of Parliament, which did not use exactly the same expressions as had been used by the Courts, but which was intended to clear up the matter, and the result was merely a new crop of cases and any number of appeals, in order to determine how far the statute changed the previous law, or whether or not any change was really made. He submitted, therefore, that they would merely increase litigation if they introduced this sub-section, and that the proper course would be to omit it altogether. This was not merely a question of drafting. He knew that the Government did not desire any advice on the drafting of their Bill, although the difficulties which had arisen were not, as it seemed to him, due to any fault on the part of the draftsman, but merely to the character of the scheme adopted by the Government, who were trying to steer a middle course between two opposite views. There really was, as he thought, a substantial question involved here; and he should like to ask whether the sub-section was intended to put the workman in a different position or not from that of a stranger?

Amendment proposed, in page 2, line 4, to leave out from the word "under," to the word "condition," in line 9, both inclusive.—(*Mr. Bryce*.)

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) hoped the Committee would not agree to the Amendment. He could assure his hon. and learned Friend that there was no indisposition on the part of the Government to receive advice even on questions of drafting; but he thought he would see that it was not worth while to take up time in discussing questions of mere drafting in the limited period that still remained at their disposal. He had no doubt that this sub-section did, to some

extent, limit sub-section 1. In other parts of the Bill they had not thought it desirable to go the extreme length of abolishing the rule as to common employment. The law at present was that the employer was bound to take reasonable care, to have proper machinery, and to keep it in a proper state; but he could get rid of that liability, and discharge himself of it, if he engaged somebody else to do that work. The law held that the person so engaged was a fellow-servant, and in that way the law had allowed the employer to get rid of his Common Law liability. The Government, desiring to meet that difficulty, had provided that the employer should not thus get rid of his liability, but should be liable not only if he himself did not take due care, but if the person to whom he intrusted that duty failed to discharge his trust. Therefore, if the defect arose from the neglect of some person in the service of the employer intrusted by him with the duty of preventing it, the employer was liable. On the other hand, they might have two men engaged on a boiler, for instance, and one might take out a rivet, and, consequently, some mischief might happen to the other. The Government had determined not to go the whole length of making the employer liable in that case. The Bill merely made the employer liable for his own want of care, or for that of those to whom he had intrusted the duty, and it was to carry out that view that this sub-section had been introduced. Of course, if an employer looked after the matter himself the law cast upon him the liability. If, next, he did not put anybody in his place, it still cast upon him the liability; and if he put somebody in his place he would not be discharged of his liability under this Act if that substituted person was guilty of negligence. That being so, his hon. and learned Friend would see why this sub-section was put in, and exactly how it carried out the view of the Government.

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MR. HOPWOOD said, he believed the right hon. Gentleman in charge of the Bill was disposed to accept the Amendment which stood in his name—namely, in page 2, line 5, after "arose," insert "or had not been discovered or remedied owing to." He, therefore, begged to move it.

Amendment *agreed to*.

MR. INDERWICK said, he wished to move the next Amendment—namely, in page 2, line 8, before "works," insert "ways." Inasmuch as the Committee had already agreed to insert the word "ways," in sub-section 1, they must also, he presumed, accept it there.

Amendment *agreed to*.

MR. SERJEANT SIMON begged to move that the words "in trade" be inserted after "stock," in the same line.

Amendment *agreed to*.

MR. INDERWICK said, that he had an Amendment, to insert, in page 2, line 9, after "condition" —

"Or unless the defect might have been discovered by reasonable care or skill by or on behalf of the employer."

But, inasmuch as the defect in the clause had already been pointed out by the hon. and learned Member for Stockport (Mr. Hopwood), and that hon. and learned Gentleman had suggested an Amendment, which had been agreed to, he should not move the one which stood in his name.

MR. HUSSEY VIVIAN said, the addition which he proposed to make to that sub-section was a matter of great importance. Unfortunately, by some mistake, his proposition had been divided into two parts; and, consequently,

the words, as they stood, appeared to have no meaning. The mistake seemed to have arisen owing to the fact that some words had been introduced between the first and second parts of his Amendment. But his intention was to move the whole as one addition to the sub-section. The remaining portion would be found in page 406 of the Amendments that day. His object in moving the Amendment was as follows:—By that Bill employers were made liable for the negligence of men who were very little removed from the position of ordinary workmen. If he were asked the grounds upon which employers might justly, in any degree, be made liable for men of that class, the only answer he could find was that they had appointed those men themselves, and that the employers had no voice in the appointment, or continuance in office, of those men. He could well conceive that workmen might say such and such subordinate officers had been appointed. They had no voice in his appointment, and could not protest against his continuance in office, or take steps for his removal. "Our lives are in danger by that man being appointed to such a post as that." He could quite understand that that feeling might exist, and he knew that such a feeling had been in the minds of workmen for many years. That principle had been suggested by workmen in former days, at the time when the Mines Regulation Act was passed. They had always sought to have some voice in the appointment of subordinate officers in mines. So long as the present system continued, so long, then, might be some justice in employers being liable for the negligence which ensued. Now, his object was to permit an employer to post up, in the ordinary way in which notices were posted, a notice stating the name of the man whom he proposed to appoint to any particular subordinate office, and then his Amendment provided that if 10 men should wish to give notice to the employer that they disapproved of the appointment of such a man, then he thought any reasonable employer would hear all these men had to say in regard to the capacity and character of the man whom it was proposed to appoint. He had little doubt, from his knowledge of the relations which existed between employers and workmen, that such an ar-

rangement would give rise to any difficulty. He believed that employers, as a rule, endeavoured to obtain the services of the best men they could find for the subordinate officers in their employ, precisely in the same way that non-commissioned officers were selected for regiments, and the good wages which they gave, generally secured the services of good men. He had little doubt that no practical grievance would arise, and he felt also that fellow-workmen would not oppose the appointment of a really good man. If out of any prejudice merely they did so object, then it was provided that the matter be referred to the Inspector of Mines or Factories as the case might be. If they considered the appointment of men under those circumstances, it would be obvious to them, he believed, that such appointments would entirely remove what might be a just excuse of complaint on the part of the men, that they had no voice in the appointment of those subordinate officers. He had also provided that by some machinery they might object to any man continuing to hold any such office—namely, by the process of 10 men giving notice to the owner that they objected to such man continuing in such office. He thought himself that a great advantage would ensue to the employer from that course, because the character of the man was better known to the *employés* than to the employer. A man might not be supposed to be worthless or idle; but his fellow-workmen might be fully aware of the fact. Under the clause which he proposed the men would be able to object to the employment of a man whom they did not consider to be a proper and a right man to occupy a certain post. He could not understand the very grave objection that had been felt to that proposal by employers at the time that the Mines Regulation Act was past, and those same objections might be raised now perhaps. If the employer did not avail himself of that clause, then he would continue liable for the action of that man, and he would almost say justly so. On the other hand, if he availed himself of that clause, which allowed him to give notice of his intention to appoint any particular man to a particular office, then he thought that the employer might fairly and justly claim to be relieved from responsibility. He had endeavoured not to occupy the

rules which applied to all collieries, and which had to receive the approval of the Home Secretary.

SIR HENRY JACKSON said, that he should like to hear what the sub-section was as it now stood in the Bill.

MR. WARTON said, that he thought it would be well to insert the words "or any authority at law stated for that object."

LORD RANDOLPH CHURCHILL said, he would suggest whether it would not be well to add this as an Interpretation Clause at the end of the Bill.

MR. DODSON said, that in accordance with the request of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson) he would insert at the end of sub-section 2:—

"Provided that where the rule or by-law has been approved or accepted as a proper rule or by-law by one of Her Majesty's Principal Secretaries of State, by the Board of Trade, or any other Government Department, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law."

MR. HOPWOOD said, he thought that it would be in accordance with precedent if the words were inserted "in pursuance of an Act of Parliament."

MR. DODSON said, no Government would have power to approve of rules except under the authority of an Act of Parliament.

MR. HOPWOOD said, that he thought his right hon. Friend somewhat misconceived his objection. This Bill proposed, in effect, to give power to the Government to recognize bye-laws to be settled by some Department of the Government. He thought, therefore, it would be well to add in the clause that the bye-laws were accepted in pursuance of the powers of some Act of Parliament. He would move that "under or by virtue of any Act of Parliament" be inserted after the word "Department."

*Amendment agreed to.*

SIR H. DRUMMOND WOLFF said, he would suggest that the clause should be brought up upon Report, because it was obvious from what had been said that, as it now stood, it was liable to some misinterpretation.

*Amendment proposed,*

At the end of sub-section 2 to add these words "Provided that where the rule or bye-law has been approved or accepted as a proper rule or

by-law by one of Her Majesty's Principal Secretaries of State, or by the Board of Trade, or any other Government Department, under or by virtue of any Act of Parliament, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law."

MR. HUSSEY VIVIAN said, he was not quite clear as to whether the rules in the Mines Regulation Act would come under the provisions of this clause. There were 31 general rules laid down by that Act of Parliament.

MR. DODSON said, that the objection raised by his hon. Friend really amounted to a Breach of Privilege, for he was assuming that rules laid down in an Act of Parliament could be improper or defective.

*Amendment, as amended, agreed to.*

MR. BRYCE said, that he begged to move to omit sub-section 3, on the ground that it was clearly unnecessary. There could be no doubt that the doctrine of what was commonly, though perhaps inaccurately, called contributory negligence was part of the Common Law. That being so, it was unnecessary to insert this as a sub-section in the 2nd clause, for the 1st clause of the Bill only gave a workman the same right of compensation against his employer as a stranger would have, and the stranger's right being subject to the doctrine of contributory negligence, so would the workman's right be likewise. He would further submit that there was a real danger that the word "materially," as applied to contributory negligence in this sub-section, would cause considerable difficulty. In all probability, if that word were left in the sub-section, it would be a fruitful source of litigation, for the question would be raised whether there was a difference between "contributing" and "materially contributing."

*Amendment proposed, in page 2, line 13, to leave out from the word "in" to the word "injury," in line 14, both inclusive.—(Mr. Bryce.)*

*Question proposed, "That the words 'In any case where the workman' stand part of the Clause."*

MR. DODSON said, that he must ask the Committee to retain the sub-section. The words were in the original Bill before it was amended in Select Committee of



to the Inspector of Mines and Factories. What on earth could the Inspector of Mines and Factories know about it? The hon. Member said that the master was ignorant of the qualifications of the man appointed. How much more ignorant was the Inspector of Mines, Factories, and Workshops, who knew nothing whatever of the man personally, and yet was to be a final Court of Appeal. It appeared to him, for the reason he had stated, and for many other reasons that might be stated, that the Amendment was an anomalous one; and he trusted, therefore, that the Government would not accept it.

Mr. DODSON said, he thought that the objections which had been raised by the hon. Member who had just sat down were sufficient to induce the Committee not to accept the Amendment. He would just point out one other objection. That was, that the Amendment would apply to all employers—for instance, to a farmer or a boatman—in fact, to every trade; and it did seem a little absurd, in such cases, to appeal finally to the Inspector of Mines, Factories, and Workshops. He would say, on behalf of the Government, that they could not accept it.

*Amendment negatived.*

Mr. DODSON said, he would move to add to the end of Section 2, in order to give effect to the undertaking he had entered into with the hon. Member for East Derbyshire (Mr. Barnes).

Mr. WARTON said, that he had an Amendment to move before that, which was, in line 11, to insert the words, "illegality or unreasonableness," instead of the words "impropriety or defect."

Mr. EDWARD CLARKE said, there was an Amendment before that in the name of the hon. and learned Member for Tower Hamlets (Mr. Bryce).

Mr. BRYCE said, he did not intend then to move his Amendment.

Mr. WARTON said, then he would move the Amendment he had just read.

Amendment proposed, in page 2, line 11, leave out "impropriety or defect," and insert "illegality or unreasonableness."—(*Mr. Warton.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he did not know what those words would imply, except

something which was directly in opposition to the statute of Common Law. The words used in the sub-section were carefully chosen, and the Government could not accept the Amendment of the hon. and learned Member.

Mr. WARTON said, he referred to bye-laws, and certainly bye-laws might be illegal and in contradiction to the law of the country.

LORD RANDOLPH CHURCHILL said, he hoped his hon. and learned Friend would not press his Amendment. At the same time, he did not think that the words used by the Government were altogether perfect. He wished to know whether the right hon. Gentleman the President of the Local Government Board proposed to insert in that sub-section the same Amendment as had been inserted in a sub-section of Clause 1?

THE ATTORNEY GENERAL (Sir HENRY JAMES): Yes.

Mr. EDWARD CLARKE said, he was sorry that the hon. and learned Member for the Tower Hamlets (Mr. Bryce) had not moved his Amendment. It seemed to him that persons claiming under that sub-section should be bound to prove an impropriety or defect in the rules; and also, on the other hand, that if, through obedience to the instructions, injury were received by a workman, that should be dealt with as a liability.

*Amendment negatived.*

Mr. DODSON said, he would then propose to add at the end of sub-section 2 the words which would give effect to what he had promised the hon. Member for East Derbyshire (Mr. Barnes).

*Amendment proposed,*

In page 2, line 12, after "mentioned," insert "Provided, That where the rule or by-law has been proved, or accepted, as a proper rule or by-law by one of Her Majesty's Principal Secretaries of State, by the Board of Trade, or any other Government Department, it should not be deemed for the purposes of this Act to be an improper or defective rule or by-law."—(*Mr. Dodson.*)

Mr. HUSSEY VIVIAN said, that under the Mines Regulation Act there were certain rules, and he did not think that the Amendment would cover them.

Mr. J. W. PEASE said, the hon. Member was quite right as regarded the general rules, as laid down in the Coal Mines Act; but there were also special

for the present Bill, to enable those arbitrations to be carried on.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl Granville*.)

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) thought that, under the circumstances, the wiser course would be to suspend the Standing Orders and allow the Bill to go through. If anyone was injuriously affected by not having an opportunity of petitioning against it, his case could be re-considered. But it was a very serious thing that a Bill should pass without any person having an opportunity of being heard by Petition against it.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly; Committee *negatived*; Then Standing Order No. XXXV. considered (according to Order), and *dispensed with*: Bill read 3<sup>d</sup>, and *passed*.

#### WILD BIRDS PROTECTION LAW AMENDMENT BILL.

(*The Lord Aberdare*.)

(Nos. 144, 172.) THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3<sup>d</sup>."

THE EARL OF KIMBERLEY said, that his noble Friend (Lord Aberdare), who was not now present, did not intend to move an Amendment of which he had given Notice. Under the Bill all those counties which had obtained independent variations of close time by order of the Home Office were to go through the process of applying for them over again; but his noble Friend thought it would save inconvenience if the orders issued by the Home Office were made to preserve their force by an Amendment to the Bill. Out of 30 orders, half would be coincident in point of time with the time provided by the Bill. He understood that his noble Friend intended to abandon his Amendment, because he thought the counties which had obtained particular orders would be willing to withdraw from the existing limitations of time for the purpose of adopting the general orders. For his own part, he was not quite certain that it was very desirable that they should aim at uniformity in the matter,

as different parts of the country differed so much from one another.

Motion *agreed to*; Bill read 3<sup>d</sup> accordingly, with the Amendments, and *passed*, and sent to the Commons.

House adjourned at half past Five o'clock, till To-morrow, a quarter before Four o'clock.

## HOUSE OF COMMONS,

Thursday, 5th August, 1880.

MINUTES.] — PRIVATE BILL (*by Order*) —  
*Second Reading*—Ennis and West Clare Rail-  
way\*.

PUBLIC BILLS—*Ordered—First Reading*—Drain-  
age and Improvement of Land (Ireland) Pro-  
visional Order (No. 4)\* [301]; Law of Eject-  
ment (Ireland)\* [302].

Committee — Employers' Liability (*re-comm*)  
[209]—R.F.

Committee—*Report*—Drainage Boards (Ireland)  
(Additional Powers) [290].

Committee — *Report* — *Considered as amended*—  
Railway Construction Facilities Act Amend-  
ment [293]; Married Women's Policies of  
Assurance (Scotland) (*re-comm.*)\* [270].

*Considered as amended*—Spirits [210]; Metro-  
politan Board of Works (Money)\* [272].  
*Third Reading*—Exchequer Bonds and Bills\*  
[294], and *passed*.

*Withdrawn*—Bills of Sale Act (1878) Amend-  
ment\* [165].

#### CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Justice Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Report relating to the City of Oxford.

#### CITY OF OXFORD ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Prac-  
tices Act, 1879.

The Parliamentary Elections and Cor-  
rupt Practices Act, 1880.

To The Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 2nd day of August 1880, at the

the House; and it was the opinion of the Government that it was desirable to retain this declaration of the existing law, in order to keep the statement of the law clearly before the Judge. He did not think that any difficulty would arise from the sub-section, the provisions of which had been very carefully considered.

MR. BRYCE asked if the right hon. Gentleman would have any objection to the omission of the word "materially?"

MR. DODSON said, that he had no objection to the omission of that word.

MR. HOPWOOD said, that if that word were omitted it would injure the cause of the workman. The general law was that they must show some material contributory negligence. If, however, the Law Advisers of the Crown thought that this word might be safely left out of the sub-section, he should have no objection; but it seemed to him that it would be better to retain it.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that he thought the sub-section was right as it now stood.

MR. BRYCE said, that he proposed to withdraw his Amendment, if the Government would consent to omit the word "materially" from the sub-section.

MR. GORST said, that he thought his hon. and learned Friend was absolutely right upon the point which he had raised, and he should like to know what the Government had to say against it. The right hon. Gentleman the President of the Local Government Board said that it must be taken to be right, because it was in the original Bill. But that did not recommend itself to him as a legal argument. He should like to know what the hon. and learned Gentleman the Attorney General had to say upon this matter. He fully agreed with the hon. and learned Member for the Tower Hamlets that this declaration of the law was quite unnecessary.

It being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

#### FREE EDUCATION (SCOTLAND) BILL.

On Motion of Dr. CAMERON, Bill to enable School Boards in Scotland to provide, by means of rates only instead of by rates and fees, for

*Mr. Dodson*

the education of children resident in their district in Board Schools, so far as that education is compulsory, *ordered* to be brought in by Dr. CAMERON, Mr. M'LAREN, Mr. HENDERSON, and Mr. MIDDLETON.

Bill *presented*, and read the first time. [Bill 299.]

#### MARRIED WOMEN (MAINTENANCE, &c. OF CHILDREN) BILL.

On Motion of Mr. HOPWOOD, Bill to provide a remedy by Law for Married Women against their Husbands neglecting or refusing to maintain and educate their children, *ordered* to be brought in by Mr. HOPWOOD and Mr. THOMAS-SON.

Bill *presented*, and read the first time. [Bill 300.]

House adjourned at five minutes before Six o'clock.

### HOUSE OF LORDS,

*Thursday, 5th August, 1880.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Committee *negotiated*—*Third Reading*—Epping Forest (179).

Committee—*Report*—Courts of Justice Building Act (1865) Amendment\* (174-182); Merchant Shipping (Fees and Expenses)\* (165).

*Report*—Tramways Orders Confirmation (No. 2)\* (134).

*Third Reading*—County Court Jurisdiction in Lunacy (Ireland)\* (146); Wild Birds Protection Law Amendment (172); Inclosure Provisional Order (Llanfair Hills)\* (146); Tramways Orders Confirmation (No. 1)\* (133), and *passed*.

#### EPPING FOREST BILL.

(*The Earl Granville.*)

(No. 179.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL GRANVILLE moved that the Bill be now read a second time, and asked that the Standing Orders might also be suspended to allow of the Bill being passed through its remaining stages. It was merely a Continuance Bill. A similar Bill had been brought in by the late Government, but had fallen through in consequence of the Dissolution. The Act which sanctioned various arbitration proceedings was about to expire, and hence the necessity

for the present Bill, to enable those arbitrations to be carried on.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl Granville*.)

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) thought that, under the circumstances, the wiser course would be to suspend the Standing Orders and allow the Bill to go through. If anyone was injuriously affected by not having an opportunity of petitioning against it, his case could be re-considered. But it was a very serious thing that a Bill should pass without any person having an opportunity of being heard by Petition against it.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly; Committee *negatived*; Then Standing Order No. XXXV. considered (according to Order), and *dispensed with*: Bill read 3<sup>d</sup>, and *passed*.

#### WILD BIRDS PROTECTION LAW AMENDMENT BILL.

(*The Lord Aberdare*.)

(Nos. 144, 172.) THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3<sup>d</sup>."

THE EARL OF KIMBERLEY said, that his noble Friend (Lord Aberdare), who was not now present, did not intend to move an Amendment of which he had given Notice. Under the Bill all those counties which had obtained independent variations of close time by order of the Home Office were to go through the process of applying for them over again; but his noble Friend thought it would save inconvenience if the orders issued by the Home Office were made to preserve their force by an Amendment to the Bill. Out of 30 orders, half would be coincident in point of time with the time provided by the Bill. He understood that his noble Friend intended to abandon his Amendment, because he thought the counties which had obtained particular orders would be willing to withdraw from the existing limitations of time for the purpose of adopting the general orders. For his own part, he was not quite certain that it was very desirable that they should aim at uniformity in the matter,

as different parts of the country differed so much from one another.

Motion *agreed to*; Bill read 3<sup>d</sup> accordingly, with the Amendments, and *passed*, and sent to the Commons.

House adjourned at half past Five o'clock, till To-morrow, a quarter before Four o'clock.

## HOUSE OF COMMONS,

Thursday, 5th August, 1880.

MINUTES.]—PRIVATE BILL (*by Order*)—*Second Reading*—Ennis and West Clare Railway\*.

PUBLIC BILLS—*Ordered—First Reading*—Drainage and Improvement of Land (Ireland) Provisional Order (No. 4) \* [301]; Law of Ejectment (Ireland) \* [302].

Committee—Employers' Liability (*re-comm*) [209]—R.F.

Committee—*Report*—Drainage Boards (Ireland) (Additional Powers) [290].

Committee—*Report*—*Considered as amended*—Railway Construction Facilities Act Amendment [293]; Married Women's Policies of Assurance (Scotland) (*re-comm.*) \* [270].

*Considered as amended*—Spirits [210]; Metropolitan Board of Works (Money) \* [272].

*Third Reading*—Exchequer Bonds and Bills \* [294], and *passed*.

*Withdrawn*—Bills of Sale Act (1878) Amendment \* [165].

#### CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Mr. Justice Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Report relating to the City of Oxford.

#### CITY OF OXFORD ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To The Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 2nd day of August 1880, at the

Town Hall, and on the 3rd and 4th days of August 1880, by adjournment at the County Hall, both places being within the Borough of Oxford, in the County of Oxford, We duly held a Court for the trial of, and did try, the Election Petition for the said Borough between Thomas Hill Green and others, Petitioners; and Alexander William Hall, Respondent.

On the 3rd day of the trial, and after several Witnesses had been called in support of the case for the Petitioners, the Respondent declined further to contest the seat, and we, being satisfied that the Respondent had been by his Agents guilty of bribery, determined that the said Alexander William Hall, being the Member whose Election and Return were complained of in the said Petition, was not duly elected or returned, and that his Election and Return were and are wholly null and void on the ground of bribery by Agents, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows:—

- (a.) That no corrupt practice was proved to have been committed at the said Election by or with the knowledge or consent of any Candidate.
- (b.) That the following persons have been proved at the trial to have been guilty of the corrupt practice of bribery:—

Persons bribed.	Persons by whom Voters were bribed.
Daniel Higgins.	Joseph Henry Gynes.
John Jones.	John Dumbleton.
Robert Dunsby.	Thomas Wheeler.
George Mills.	Charles Linnell.
	Benjamin Bennett.
	George Porter.
	Isaac Luker.
	Edward Carr.

We have given a Certificate of Indemnity to each of the persons bribed.

- (c.) That there is reason to believe corrupt practices have extensively prevailed at the Election for the Borough of Oxford to which the said Petition relates, and the grounds upon which we have arrived at that conclusion will be found in our Judgment.

Dated this 4th day of August 1880.

ROBT. LUSH.  
H. MANISTY.

And the said Report was ordered to be entered in the Journals of this House.

## QUESTIONS.

HIGH COURT OF JUSTICE (IRELAND)  
—THE CLERK OF THE CROWN IN  
THE QUEEN'S BENCH DIVISION.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland,

If John Fox Goodman is Clerk of the Crown in the late Court of Queen's Bench (now Queen's Bench Division of the High Court of Justice) in Ireland, and if he is the same person who holds the office of Salaried Examiner of Solicitors' Apprentices under the Act 29 and 30 Vic. c. 84, s. 24 and 25; and, if so, what course the Government intend to adopt towards him, having regard to the provisions of the sixteenth section of the Act 2 and 3 Will. 4, c. 48, whereby it is enacted—

"That it shall not be lawful for the Clerk of the Crown, nor for his assistant, to be appointed, under the provisions of this Act, to hold or exercise the duties of any other office or place whatsoever, nor to practise as an attorney or solicitor in any court of law or equity in Ireland, under pain of forfeiting the said office of Clerk of the Crown or the said office of assistant to such clerk, as the case may be."

MR. W. E. FORSTER: Mr. Goodman is Clerk of the Crown in the Queen's Bench Division of the High Court of Justice, and the same person who holds the office of Salaried Examiner of Solicitors' Apprentices. I am informed, and legally advised, that the retention of the Examinership does not affect his continuing to hold the office of Clerk of the Crown. If the hon. Member thinks by acting as Examiner he forfeits his office as Clerk of the Crown he can bring the matter before the Courts of Law.

## CAMBRIDGE UNIVERSITY COMMISSION.

MR. ROUNDELL asked the Secretary of State for the Home Department, Whether, considering the serious inconvenience which will ensue to the University of Cambridge and the Colleges thereof in the event of the non-completion in the course of the present year of the work of the Cambridge Commissioners, he can give assurance that the Statutes for the University and the Colleges will be settled by the Commissioners within the time mentioned?

SIR WILLIAM HARCOURT, in reply, said, he had communicated with the Secretary of the Cambridge Commission in reference to the subject of the hon. Member's Question, who stated that there was good reason to hope, and certainly he earnestly wished, that the statutes might be completed at such a date before the end of the Christmas

Vacation as would allow of their running the course prescribed by the Act before the end of next Session of Parliament, taking that to be as late as August, 1881.

#### CRIMINAL LAW—CONVICT LABOUR.

MR. BROADHURST asked the Secretary of State for the Home Department, Whether he can inform the House if there is any truth in the statement which recently appeared in the "Western Daily Mercury," that one thousand convicts were to be brought from Chatham to Plymouth to be employed in the erection of the Royal Naval Barracks at Keyham Barton; and, if it is true, whether, seeing the great depression now existing in the building trades in the West of England, he will take steps to prevent such a concentration of convict labour in one district in one branch of industry?

SIR WILLIAM HARCOURT, in reply, said, he knew of no such intention as that mentioned in the Question of the hon. Member.

#### ROYAL PATRIOTIC FUND—THE REPORTS OF 1878 AND 1879.

MR. GORST (for Baron HENRY DE WORMS) asked the Secretary of State for War, Why the Reports of the Commissioners of the Royal Patriotic Fund for 1878 and 1879 have not yet been presented to Parliament; whether the accounts for those years have yet been audited; and, whether he will appoint a Committee similar to the one appointed by him in 1869, with reference to the Greenwich Hospital Schools, to inquire into the past management of the fund, with authority to prepare a scheme for its reorganisation, upon a plan calculated to restore public confidence, and to provide for the efficient administration of the numerous other trusts which have, during recent years, been handed over to the Patriotic Fund Commissioners?

MR. CHILDERS: In reply to the first Question of the hon. Member, I have to state that the Reports in question have not been presented, because they have only just been received. They will be submitted to Her Majesty immediately, and then presented to both Houses of Parliament. The Report for 1878 has been consolidated with that for 1879, as an inquiry was going on at the

time when the former would naturally have been drawn up. The accounts for 1878 have been audited; those for 1879 have been sent to the Treasury for audit. The Commission is a Royal Commission, and no Department of the Government has direct authority over it. Among its distinguished Members are the late Prime Minister, the present Prime Minister, and other eminent statesmen, and officers of both Services. I cannot undertake to deal with such a body as if it were an ordinary school board. But I will carefully peruse the Report, and obtain what information I can about the complaints which I understand have recently been made as to details in the management; and I will consult my noble Friend the First Lord of the Admiralty, who is jointly interested with myself in the matter, whether any other steps should be taken. I understand that the Executive Committee has been within the last few weeks greatly strengthened.

#### POOR LAW (IRELAND)—DISPENSARY HOUSES.

MR. BELLINGHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has any objection to lay upon the Table of the House a Return of the number of Dispensary Committees that have availed themselves of an Act passed in August 1879, giving facilities for providing dispensary houses and dwelling houses for medical officers of dispensary districts in Ireland?

MR. W. E. FORSTER: The Boards of Guardians, and not the Dispensary Committees, provide dispensary houses. If the hon. Member will move for a Return showing how many Boards of Guardians availed themselves of the Act referred to I will be happy to give it to him.

#### NAVY—H.M.S. "ATALANTA"—SUICIDE OF ELLEN HATHAWAY.

CAPTAIN PRICE asked the Secretary to the Admiralty, If his attention has been called to the reports in the daily papers of the suicide of Ellen Hathaway, widow of a Quartermaster drowned in the "Atalanta," which reports state that the act was committed during a period of depression of mind caused by her receiving from the Admiralty an unfavourable answer to her application for allowances due to her on her husband's

death; whether there is any truth in these reports; whether he will inform the House of what passed between Mrs. Hathaway and the Admiralty; and, will they, under the circumstances, allow any moneys which may have been due to her to be paid to her children?

MR. SHAW LEFEVRE: There is no foundation for the statements referred to by the hon. and gallant Member, that Ellen Hathaway, who recently committed suicide, had received an unfavourable reply from the Admiralty to her application for allowances. This poor woman was entitled to the balance of pay due to her late husband—namely, £16; she would also have received a gratuity equal to one year's pay of her husband, or £42. On the 24th of last month she applied personally to the Admiralty for payment of the balance of wages. I am assured by the gentleman who saw her that he received her most kindly, and fully explained what she was entitled to. She was told that, on filling up a form, she would be paid at once the balance of wages. The form was sent to her by post the same day, but was not returned by her. On the 29th her landlady wrote to the Admiralty to say that Ellen Hathaway had committed suicide "through grief of her husband being drowned." I understand she left no children. The money will therefore be paid to the legal representative of the deceased.

#### JUDICIAL PENSIONS—SUPER- ANNUATIONS.

MR. PUGH asked Mr. Attorney General, Whether, having regard to the provisions for superannuation in the Civil and Military Services, Her Majesty's Government will consider the desirability of providing that Her Majesty's Judges shall, on attaining a certain age, be eligible for pensions, notwithstanding that they may not have completed the term of fifteen years' service, and may not be permanently disabled within the meaning of the Acts at present in force, and of bringing in a Bill in the next Session of Parliament for that purpose?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, the subject referred to in the Question was one which had not in any way attracted the attention of the Government. The policy

of pensioning learned Judges after short service was one of a very doubtful nature. He could not hold out any hope to the hon. Member that it would be dealt with at any early date by Her Majesty's Government.

#### HARES AND RABBITS BILL—POOR RATE.

MR. DONALDSON-HUDSON asked the Secretary of State for the Home Department, Whether, in the event of the Hares and Rabbits Bill becoming Law, and the landlord reserving as much of the sporting rights as the Law will allow, he will state what proportion of the poor rate in respect of such sporting rights the tenant will be empowered to recover from his landlord?

SIR WILLIAM HARCOURT, in reply, said, as the law stood the tenant was liable, in the first instance, to the rateable value of the whole of the sporting rights; and in the event of the Hares and Rabbits Bill becoming law, he would be empowered to recover from the landlord a portion of the poor rate corresponding with the amount of sporting rights reserved by the landlord.

MR. DONALDSON-HUDSON: What proportion?

SIR WILLIAM HARCOURT: That depends on the proportion which the landlord reserves.

#### TURKISH GUARANTEED LOAN, 1865.

MR. MONK asked the Under Secretary of State for Foreign Affairs, Whether a payment of £65,000 has been made in cash to the Porte in respect of the Surplus Revenues of the Island of Cyprus, while a sum of £61,000 is owing from the Porte to this Country in respect of the interest on the Guaranteed Loan of 1865; and, if so, whether such payments will be withheld for the future, until the Porte has repaid all sums due in respect of that loan?

SIR CHARLES W. DILKE: There is a large sum owing to this country from the Porte. It is not exactly the sum mentioned in the Question. The hon. Gentleman has taken the amount that was owing a short time ago to the Governments of England and France together. That is a first charge to us; but we were to recover half of it from France. But since the Question was

placed on the Paper—indeed, yesterday—the Porte has forwarded a further payment. The sum owing to England by the Porte on account of the 1855 Loan is now about £52,000, an equal sum being due to France—making, together, £103,000. The sum paid to the account of the Porte by the Government of Cyprus cannot be stated in pounds sterling, because of the difficulty of computing the rate of exchange. For the year 1879-80 the sum paid at the end of March amounted to 11,092,377 “metallique” piastres plus £5,000. For the year 1878-9 the amount paid was 7,402,625 piastres. Her Majesty’s Government are not at present in a position to state the measures which should be taken to insure observance by the Porte of its obligations to the guaranteeing Powers.

#### POST OFFICE MONEY ORDERS BILL— SPURIOUS POSTAL NOTES.

MR. GOURLEY asked the Postmaster General, What precautions are intended to be taken by the Post Office authorities to enable postmasters and postmistresses of small country Post Offices and others to distinguish genuine from spurious postal notes, seeing that no letters of advice will be employed under the new system as embodied in the Bill now before the House?

MR. FAWCETT, in reply, said, the subject had been considered; and it was the opinion of the most experienced officials of the Post Office, as well as of those who were largely engaged in commercial and banking business, that there would be no difficulty in the matter.

#### IRELAND—ST. PATRICK’S HOSPITAL, DUBLIN.

MR. W. CORBET asked Mr. Attorney General for Ireland, with reference to the way in which the Charter of His Majesty King George the Second for erecting and endowing St. Patrick’s Hospital, Dublin, has been carried out by the governors of that institution, Whether he is aware that it is expressly provided by the will of Dean Swift, and by the provisions of the Charter, that the trustees of the estate should lay out the same in purchasing lands of inheritance in fee simple, and not encumbered with or subject to any

leases of lives renewable for ever or for any term of years longer than thirty-one; that, notwithstanding this provision, the Trustees bought certain lands held by tenants under leases of lives renewable for ever, two of which leases were subsequently purchased by the father of the present receiver of the hospital rents, who himself shortly afterwards purchased a third perpetuity lease; and, whether said purchases by the Trustees were not made in violation of the Charter, and are therefore utterly void?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): In reply to my hon. Friend, I have to state that by the Charter of 1746, constituting St. Patrick’s Hospital (popularly known as Swift’s Hospital), the administration of the property of this Institution is vested in Trustees, who are not under the control of the Government, or responsible in any way to the Government. The provisions of Dean Swift’s will are stated in the Question with substantial accuracy; but the Trustees are empowered by the Charter to accept future gifts or bequests to be invested at interest or in purchase of real estate of inheritance in fee simple. In the last century, the Trustees, I believe, purchased real estate at different times which still forms part of the property of this Institution; but whether the purchase money was acquired under Dean Swift’s will, or was subsequently acquired, I have no means of ascertaining; and, therefore, I can offer no opinion as to such investment. My hon. Friend, from his long experience in the Lunacy Office in Dublin, is aware that the Commissioners of Charitable Donations and Bequests are empowered to authorize or direct proceedings in reference to the management of the property of any charity; and my hon. Friend may apply, in the ordinary way, to the Attorney General for his sanction to enable him, as a relator, to take any proceedings he may be advised.

#### LAW AND POLICE—ITALIAN CHILDREN IN ENGLAND.

SIR H. DRUMMOND WOLFF asked the Secretary of State for the Home Department, Whether any success has attended the measures adopted in 1877 to suppress the introduction into this Country of Italian children taken away



from Italy in violation of the Laws of that Kingdom; and, whether the Home Office can present to the House any Returns or Reports on the subject?

SIR WILLIAM HARCOURT, in reply, said, that, as the result of inquiries, he found that the Circular of 1877 had had an excellent effect. A considerable number of cases had been brought before the magistrates, and the result had been that some children had been sent to industrial schools and others to their own country. He did not think the Home Office were in possession of Returns showing the exact number of these cases. The Metropolitan Police had orders to take all Italian children found begging before the magistrates.

THE CONSTABULARY (IRELAND)—  
FOXFORD, CO. MAYO.

MR. O'CONNOR POWER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, If he can now see his way to order the removal of the hut for extra police erected in the parish of Pulnagowna, Foxford, county Mayo, and the withdrawal of those police, so as to relieve the distressed inhabitants of this district from the cost of their maintenance? I do not know whether the right hon. Gentleman would be prepared, without Notice, to answer another Question which I venture to put to him in consequence of a telegram I have just received from the Rev. Patrick O'Connor, who wires me to say that the Castlebar Board of Guardians refuses to give out-door relief to families in that Union, because it is alleged the head of the family is employed in England. I would ask the Chief Secretary, Whether the absence of the head of the family, in the absence of evidence as to whether he is employed or not, should be sufficient reason for withholding relief from his wife and children?

MR. W. E. FORSTER: With regard to the last Question, I must ask the hon. Gentleman to give me a Notice sufficiently long in order that I may hear the explanation of the Board of Guardians of Castlebar. As to the Question on the Paper, I cannot see my way to order the removal of the hut referred to, which is still necessary for the preservation of peace in the district and the protection of the lives of those on whom the outrage was committed. Half the

cost of the maintenance of the force will, on the 1st of June, fall on the barony, and not solely on the immediate locality. I very much regret that persons who are poor should be obliged to pay that; but the outrage was of a serious nature, and though several persons were engaged in it, no assistance whatever was given to the local police in their efforts to discover the offenders.

DISTRESS (IRELAND)—ROAD WORKS,  
SLIGO CO.

MR. O'KELLY asked the Secretary to the Treasury, Whether it is a fact that the Contract for Road Works No. 2, Coolavin Barony (county Sligo), on the property of The O'Connor Don, was awarded to Mr. William Kennedy of Carrowkeel, county Roscommon, and that on the 1st of July Mr. Kennedy was directed to begin work by the county surveyor; whether, on the 18th of July, the Board of Works (Ireland) ordered the work to be stopped by telegram, and, without alleging any cause or offering any explanation, transferred the contract to a tenant of The O'Connor Don; and, whether any complaint had been made against Mr. Kennedy or the manner in which he was carrying out his contract by the county surveyor; and, if not, upon what ground was his contract annulled by the Board of Works?

LORD FREDERICK CAVENDISH: I find, Sir, that the facts of the case referred to by the hon. Member are as follows:—The road works in question were put up to tender, and the only one received was from a Mr. Harrington, a tenant of The O'Connor Don. The tender was accepted, and due security given for the work. At that time the work was not sanctioned by the Board of Works, and the tender was subject to that approval. When the Board subsequently sanctioned the works, the original contract was forgotten, and they handed over the work to the county surveyor. He immediately employed Mr. Kennedy to do the work. The Board of Works, on learning the true facts of the case, and the existence of Mr. Harrington's contract, which could not be set aside, at once informed the county surveyor, and directed him to hand the works over to him.

# RAILWAY WORKS (IRELAND) — PRACTICE OF THIS HOUSE IN REGARD TO QUESTIONS.

MR. FINIGAN (who was met with constant interruption) read the following Question, of which he had given Notice : —To ask the Secretary to the Treasury, Whether his attention has been directed to two advertisements in the "London-derry Sentinel" of the 10th of July, in the case of the West Donegal Railway and the Limavady and Dungiven Railway, and in which notice is given that a Mr. Edmund Murphy is appointed by the Board of Works as Government arbitrator to inquire into the interests of persons, landlords and tenants, whose lands are to be taken for said Railways; whether the said Edmund Murphy is not a land agent to several landlords in the county of Donegal, and land agent upon one or more estates through which the Finn Valley Railway, of which the West Donegal is only an extension, runs, and of one of which Railways he, or the landlord he represents, is a large shareholder; whether the West Donegal Railway does not run through estates which have been the subject of litigation and disputes as to the relative value of tenant right and rents between landlord and tenant in the county of Donegal; whether his attention has been called to a letter published in the "Belfast Whig," written by the same Edmund Murphy, and deposed to in evidence by his son before the late County Down Election Petition inquiry, in which the said Edmund Murphy explains to the tenants of an estate in that county, where he is also land agent, that he cannot personally canvass them, inasmuch as he was busy operating in the county of Donegal, where "Conservative interests were also assailed," and earnestly begging of them, the tenants, to vote for the Conservative candidates; whether the said West Donegal Railway is not practically conducted by the Finn Valley Railway Company, of which the said Edmund Murphy, or his principals, are shareholders, and are trying to cut down the claims of the tenants for the tenant right upon their lands to be taken for said Railway; whether the Government think it right to appoint a land agent circumstanced as Mr. Murphy is, and a well-known active political partisan to the office of

Government arbitrator, before whom questions affecting landlord and tenant frequently arise; whether it is a fact that the said Government arbitrator is or was an Orangeman, and whether he was appointed through party influence by the Board of Works at the instance of one of the Commissioners sent to inquire into the state of the said Board of Works, and about the time when said inquiry was held; whether this same son, or any other son, of Mr. Edmund Murphy, who deposed to being his father's active political agent in canvassing the county Down tenants, is, or was, an Orangeman; and, if he does not hold, and does not his father also hold, the office of Inspector of Land Improvements under the Board of Works; and, whether they are not both officially engaged reporting upon the Government loans to landlords, to whom one or both act as agents in their private capacities?

MR. OTWAY: Before the noble Lord answers that Question, I beg to ask your opinion whether it is in Order —whether it is not a great abuse of the Rules of the House—that a Member should give Notice of one Question, and then put nine distinct Questions, and should read them at full after having read them once before?

MR. SPEAKER: In reply to the Question put to me by the hon. Member, I have to state that the matter is not so much one of Order as of propriety. I consider that the hon. Member, in reading the Question of which he has given Notice, was, strictly speaking, not out of Order. With regard to the propriety of his doing so I give no opinion.

LORD FREDERICK CAVENDISH: I have made inquiry into—

MR. PARNELL: I beg to rise to Order. I wish to know if, until the present Session, it was not always the universal custom in this House to read Questions at full length, of which you, Sir, had permitted the placing on the Notice Paper of the House; and whether it was not usual, when Members attempted to avoid reading Questions of which they had given Notice, for Members of the House to insist on the reading of them at full length?

MR. CALLAN: I wish to know whether it was not the custom, Sir, when you were a Member of the House, and before you occupied your present posi-

tion, not to read Questions unless they were of sufficient importance to commend themselves to the good taste and feeling of the House; and whether or not the bad practice of reading Questions was not initiated during the *régime* of the late Conservative Government, when they insisted that Questions should be read, for the purpose of occupying the time of the House, no matter how immaterial they were?

**MR. SPEAKER:** In answer to the hon. Member for the City of Cork, I have to say, as I have already stated to the House, that it was formerly the practice for Members to read their Questions, and that practice has generally prevailed down to the present day. But I am bound to say that latterly the practice has prevailed of putting Questions at such extraordinary length that I am inclined to think the House will do well to depart from it.

**LORD FREDERICK CAVENDISH:** I have made inquiry into the various allegations contained in the Question of the hon. Member; and without following him into all the details, I may say, generally, that I am satisfied that there is no ground whatever for supposing that the appointment of Mr. Murphy or his son was influenced by political or any other motive except regard for the public advantage. Mr. Murphy has for many years been engaged as a Land Improvement Inspector under the Board, and has been employed, from time to time, to act as arbitrator solely on account of his special qualifications for the duty, which are well known to the Board of Works, and have been also certified, among other persons, by one of the Committee which inquired into the Department of the Board of Works. Whether his connections are such as are described by the hon. Member the Board of Works have no knowledge, nor have they ever inquired into his political opinions.

**MR. FINIGAN:** As the answer of the noble Lord is by no means satisfactory, and this is a most important question, I beg to give Notice that on an early day I will repeat my Question, with more details.

#### PORTUGAL—COLLISION OF THE "CITY OF MECCA" AND THE "INSULANO."

**MR. ANDERSON** asked the Under Secretary of State for Foreign Affairs,

*Mr. Callan*

If his attention has been drawn to the confirmation by the Supreme Court at Lisbon of the decisions of the Inferior Courts in the case of the collision between the "City of Mecca" and the "Insulano;" if those decisions were arrived at either by ignoring altogether the 14th (Portuguese 15th) rule of the International Sailing Code, or by adopting an interpretation contrary to that of the Portuguese Government, as explained in a declaration by the King, issued since the collision, through the Secretary of State for Maritime Affairs; and, what steps Her Majesty's Government now propose to take to remedy the great injustice inflicted on a British shipowner by this decision?

**SIR CHARLES W. DILKE:** The litigation at Lisbon arising out of this collision has extended over a period of two years, and has throughout received the careful attention of Her Majesty's Government, who are in possession of copies of the judgments referred to. The decisions arrived at have given rise to questions of great importance, both as regards jurisdiction and the application of the international rules for the prevention of collisions at sea. Her Majesty's Government addressed representations to the Portuguese Government on the subject through Her Majesty's Minister at Lisbon in January last; but no reply has yet been received. Her Majesty's Chargé d'Affaires was instructed last week to press for an answer to that communication; and until it has been received Her Majesty's Government will not be in a position to state what further steps it may be their duty to take in the matter.

#### IRELAND—DRAINAGE WORKS, KILLALOE.

**SIR PATRICK O'BRIEN** asked the Secretary to the Treasury, From what cause the delay has arisen in commencing the Shannon drainage works at Killaloe?

**LORD FREDERICK CAVENDISH,** in reply, said, that the cause of the delay in putting in the sluices in the weir at Killaloe had been the difficulty of obtaining tenders in the desired form. It had now been decided to execute the local work by day-work under an engineer to be appointed by the Board of Works, and to obtain the ironwork by contract,

a tender for which had been received. The works would now be begun as soon as possible.

#### DISTRESS (IRELAND)—FEVER AT BALLINA.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has observed that the Rev. P. McNulty, Catholic administrator of the parish of Ballina, informed the Ballina Board of Guardians, at their meeting of the 17th ult. of the existence of thirty cases of fever in one district of the Union, and assured the Board that the fever had made its appearance in every case in families which had been obliged to subsist for a long time on Indian meal, used without milk; that this diet had resulted in dropsy and phthisis, as well as fever, and that a change of diet is necessary if the epidemic is to be abated; whether it appears, from the statement of the Rev. P. McNulty, that the fever had been active in the district in question for a very considerable time; that, nevertheless, its existence there was not known to the Board of Guardians until he informed them of it, and that many of those stricken by fever had neither food, bed clothing, nor any common necessary of life; and, whether, considering the number of districts from which fever has been reported, the danger of a further spread of the epidemic, and the evident inadequacy of the ordinary agencies of the Poor Law system to deal with the present and probable state of things, the Government will specially instruct the Board of Guardians, and will take steps to strengthen the relieving staffs, increase the number of medical officers, and appoint competent nurses to attend upon the sick in localities where such assistance may be needful?

MR. W. E. FORSTER: Before the Rev. Mr. McNulty communicated with the Board the Ballina Guardians had heard that fever had made its appearance in one division of the Union, situated in the Ballina Dispensary District. They directed their medical officer to pay all his attention to the cases, and they also sent out a nurse. The medical officer reported to-day there are only four cases treated in this district for simple fever, and two of rheumatic fever, and one family convalescent. The means adopted by the Local Government

Board have, I am happy to say, been very successful in checking disease in the district in which it prevailed. I cannot admit that the Poor Law machinery has been inadequate to deal with the present state of things. If it should be necessary, in any Union, the Local Government Board will issue a Provisional Order to enable the Board of Guardians to strengthen their medical staff.

#### ARMY—RE-ENLISTMENTS.

MR. O'CONNOR POWER asked the Secretary of State for War, Under what regulation men who enlisted in 1858-9 for ten years (not exceeding twelve), and subsequently re-engaged to complete a total service of twenty-one years, have been retained for an extra year; and, whether there are any men now retained beyond the period of twenty-one years amongst the troops serving in Afghanistan?

MR. CHILDERS: In reply to the hon. Member, I have to state that any man who enlisted in 1858-9, and who re-engaged before the 21st of June, 1867, might, if on foreign service, have his service prolonged for two years. If he re-engaged after the 21st of June, 1867, his service may similarly be prolonged for one year. This latter provision is continued by the Army Discipline Act of 1879. There is no information in the War Office to enable me to answer the second Question.

#### COMPENSATION FOR DISTURBANCE (IRELAND) BILL—PROTECTION TO POOR CULTIVATORS.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, What steps the Government now propose to take for the protection of poor cultivators of the soil in Ireland who may be evicted for an inability to pay rent, caused by the recent and prevailing distress in that country?

MR. PARSELL also wished to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in view of the rejection by the House of Lords of the Compensation for Disturbance (Ireland) Bill, he proposes to employ the Constabulary and Military Forces of the Queen for the purpose of assisting at the eviction of tenants who can be proved to

be unable to pay their rents owing to the recent distress in Ireland?

MR. W. E. FORSTER: Sir, it will be convenient to answer these two Questions together, as they both relate to the rejection last Tuesday by the House of Lords of the Compensation for Disturbance (Ireland) Bill. The hon. Member for Dungarvan asks me what steps we now propose to take for the protection of poor cultivators of the soil in Ireland who may be evicted for an inability to pay rent caused by the recent and prevailing distress in that country? The object of the Bill passed by this House was to protect such tenants upon the fulfilment of conditions to which I need not now refer. The House of Lords have thought it right to reject that Bill. Though we deeply regret their decision, I must reply that, after careful consideration, the Government does not think it would be to the public advantage to bring in any fresh Bill on the subject this Session. The hon. Member for the City of Cork asks me whether we propose to employ the Constabulary and Military for the purpose of assisting at the eviction of tenants who can be proved to be unable to pay their rents owing to the recent distress in Ireland? I trust there will be no need to call in the aid of the Military for any purpose in Ireland; but it is my duty to state that we shall protect the officers of the Courts of Law in the execution of the law. We must enable the law to be carried out, or society would be disorganized altogether; but I can assure the House that we shall strive to fulfil our duty in this respect with the utmost consideration for the sufferings of these poor tenants. I earnestly hope that the expectation of a plentiful harvest will not be disappointed, and that thereby the sufferings of the people will be alleviated, and the difficulties of the Irish Government diminished. These difficulties are great; and I can only call upon all Members of this House—upon all Members of either House of Parliament, upon all good citizens, of whatever class, party, or condition—to try to realize to themselves these difficulties, and to aid us in the maintenance in Ireland of good order and good feeling, and to use any influence they may have in Ireland to counsel moderation by the landlords in the exercise of their legal rights, and to beg the landlords to remember—as I

doubt not the large majority of them will remember—the condition of many of their tenantry.

#### AGRICULTURAL DISTRESS—THE ROYAL COMMISSION.

MR. VILLIERS-STUART asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Her Majesty's Government are willing to extend the scope of inquiry of the Royal Agricultural Commission to the subject of Irish farm labourers' dwellings, with the view of ascertaining the best means of promoting their improvement?

MR. W. E. FORSTER: The hon. Gentleman's Question refers to the Royal Commission appointed a year or two ago. The Government could not now very well, as it has been sitting so long, impose on it any fresh labour. Information on this subject can be had, I think, by other inquiries.

#### RAILWAYS (IRELAND)—THE GREAT SOUTHERN AND WESTERN RAILWAY COMPANY OF IRELAND AND THE WATERFORD AND LIMERICK RAILWAY COMPANY.

MR. GIBSON asked the President of the Board of Trade, Why the Railway Commissioners do not hold the inquiry into the pending differences between the Great South Western Railway Company of Ireland and the Waterford and Limerick Railway Company in Ireland; what has caused them to abandon the intention of holding the inquiry in Ireland; and, can he suggest any public advantage which is gained by holding the inquiry in London, and thus compelling two Irish Railway Companies to bring over from Ireland some of their leading officials?

MR. CHAMBERLAIN, in reply, said, he could not see that any public advantage would be gained by holding the inquiry in London instead of on the spot. On the contrary, he thought it was clearly a case contemplated by the Legislature in which it was desirable that the inquiry to be held should be local. He understood that the Railway Commissioners in the present instance were willing, and had made arrangements, to hold the inquiry on the spot; but that at the request of the parties interested they proposed to hold the inquiry in London.

Mr. GIBSON asked if the request could be made public?

Mr. CHAMBERLAIN said, if the right hon. and learned Gentleman wished, he would inquire whether the request had been made verbally or by letter; but he was informed by the Railway Commissioners that the request had been made.

Mr. CALLAN gave Notice that on Monday next he would ask the President of the Board of Trade, Whether he was aware that, when last year the powers of the Railway Commissioners were renewed, it was on the express condition that when cases of complaint occurred in Ireland inquiry was to be made in that country?

Mr. CHAMBERLAIN said, no doubt, some statement of the kind had been made, and he thought himself it was desirable the inquiry should be made in the locality; and it was only decided to hear the case in London on account of the request of the litigants themselves.

#### THE LUNACY LAWS—LEGISLATION.

Mr. FRASER-MACKINTOSH asked the Secretary of State for the Home Department, Whether, as indicated in Her Majesty's Speech, the Lunacy Laws do not require amendment; whether it is the intention of Government to introduce a measure next Session for amending these Laws; and, whether the Government will during the Recess institute a full and searching inquiry into the system and working of these Laws, by a Royal Commission or otherwise, in order that, with the view of satisfactory legislation, the fullest possible information on the subject may be before Parliament?

Sir WILLIAM HARCOURT, in reply, said, there could be no doubt that the Lunacy Laws required amendment; but he thought it would be very imprudent to pledge Her Majesty's Government to introduce a measure on that subject next Session. There was already ample information available in order to supply material whenever there was time to bring in a Bill on the subject.

#### AFGHANISTAN—THE WAR—MILITARY EXECUTIONS AT CABUL.

Sir WILFRID LAWSON asked the Secretary of State for India, Whether

he has any information as to the execution of Afghan prisoners by our troops at or in the neighbourhood of Cabul during April of this year?

THE MARQUESS OF HARTINGTON, in reply, said, the only information he had on the subject was contained in a Report from General Stewart, which was dated the 12th of May, and inclosed a list of prisoners taken in two actions, on the 19th and the 20th of April. In the first action 12 prisoners were captured, of whom nine were released, one died in hospital, and two were shot by order of General Stewart. In the second action 14 prisoners were taken, of whom 11 were afterwards released, and three shot by order of General Stewart. In both instances the prisoners who were ordered to be shot had fired on our men when the action was over. The Report of General Stewart would be inclosed in the Papers which he hoped before long to lay on the Table of the House; but it would be presented as an unopposed Return if his hon. Friend moved for it.

#### NAVY—THE ROYAL MARINES—VOLUNTARY RETIREMENT.

COLONEL RUGGLES-BRICE asked the Secretary to the Admiralty, Whether it is true that an officer, late a Captain in the Royal Marine Light Infantry, was refused retired pay after a service of over nineteen years; whether, by existing Order in Council, officers of the Royal Marines who joined prior to April 1870, and having less than twenty-two years' full pay service, are debarred from voluntarily retiring with either an annuity or a gratuity, notwithstanding, under the same Order in Council, they became subject to compulsory retirement at the age of forty-two; and, whether this officer, if he had been serving in the Army, would have been entitled to an annuity or gratuity; and, if so, the amount?

Mr. SHAW LEFEVRE: It is quite true that the Admiralty, on a recent occasion, refused retired pay to an officer who desired voluntarily to retire from the Marine Infantry for family reasons after 19 years' service. The Admiralty had no power to do otherwise under the existing Orders in Council. By remaining in the Service two years longer this officer would probably have been compulsorily

retired under the Order in Council of 1878, or he might have retired voluntarily under a previous Order with retired pay. The rule of the Army is different; an officer voluntarily retiring with the consent of the War Office would receive a gratuity varying according to his length of service. On the other hand, the retired pay for Marine officers at the age of 42 is much higher than that in the Army. It was the object of the Order in Council of 1878 to apply to Marine officers the same rates as in the Army; but the older officers most strongly objected to this, preferring the higher rates of the previous rule. They were, therefore, excepted from its provisions, so far as regards the amount of the retired pay, hence the inability of the Admiralty to give a pension or gratuity in the case referred to.

#### THE MAGISTRACY (IRELAND)—EX- CLUSION OF CATHOLICS.

Mr. CALLAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether since the 26th of July he has been furnished with any further and more correct information regarding certain representations made to the Irish Government complaining that Catholics were excluded from the magistracy, especially in Ulster; whether his attention has been called to the statement made in a leading article in the "Belfast Morning News" of Wednesday, under the heading of "The Irish Magistracy":—

"We are in a position to state that Mr. Thomas A. Dickson, late M.P. for Dungannon, and Mr. Litton, M.P. for Tyrone, wrote a joint letter to Lord Charlemont, Lord Lieutenant of the County, submitting the names of six Liberals, Catholic and Presbyterian, as proper persons to be invested with the Commission of the Peace. To this letter Lord Charlemont did not extend the ordinary courtesy of a reply. The two gentlemen waited a month, and then interviewed Lord O'Hagan. Lord O'Hagan expressed himself anxious to carry out the wishes of the deputation; but what could he do? He was powerless to act except on the recommendation of the Lord Lieutenant of the County. These two gentlemen, however, handed to Lord O'Hagan a list of the names they had forwarded to Lord Charlemont; and the Lord Chancellor undertook to use whatever influence he was capable of to have effect given to their desires. We understand, furthermore, that deputations have waited on the Lord Chancellor from the Counties of Antrim and Armagh, and from other Ulster counties, touching the vastly undue pro-

portion of Protestant Episcopalian magistrates on the bench; and yet nothing is being done;"

whether he will inform the House if this statement is a correct version of the communications made to, and the interviews had with, the Lord Chancellor of Ireland with reference to this matter; and, whether the alleged statement of the Lord Chancellor "that he was powerless to act except on the recommendation of the Lord Lieutenant of the County," is a correct statement of the Law on the subject; and, if so, will he kindly inform the House by what authority then Lord Chancellor O'Hagan on a former occasion, not only without the recommendation of, but in opposition to the declared wish of the Lord Lieutenant of the County, appointed a non-resident Non-Catholic gentleman to the Commission of the Peace?

Mr. W. E. FORSTER: The hon. Member asks me as to an article which appeared in *The Belfast Morning News*. This article professes to give an account of a private interview between the Lord Chancellor and two gentlemen. No reporters were present. I really do not know that I am called upon to give an explanation with regard to such a statement as this; but I may state that the Lord Chancellor has informed me he never made such a statement as that quoted.

Mr. CALLAN gave Notice that on Monday he would ask the Chief Secretary for Ireland whether, at the time he made a statement to him in that House that no representations complaining of the exclusion of Catholics from the Irish magistracy had been made, he himself had received representations from leading Catholics in the North of Ireland?

Mr. W. E. FORSTER: No, Sir; I had not.

Mr. CALLAN wished to ask the right hon. Gentleman whether he had received representations from any solicitor upon the subject?

Mr. W. E. FORSTER: It is entirely new to me.

#### SOUTH AFRICA—BASUTOLAND.

Mr. GIBSON asked the Under Secretary of State for the Colonies, Whether the proclamation of Sir Bartle Frere, extending the operation of the South African Peace Proclamation Act to Basutoland, is now in force and being applied; and, whether that proclamation

was issued in pursuance of and in accordance with the provisions of the South African Peace Preservation Act?

MR. GRANT DUFF: The Cape Peace Preservation Act of 1878 was applied to Basutoland by a Proclamation which was issued on the 6th day of April, and is now in force. As many Questions have been asked about this subject, I may mention that on the 29th of July the Governor telegraphed from the Cape that large quantities of arms were being given up, and that a telegram received yesterday reports that there was no fresh cause for anxiety.

#### RULES AND ORDERS OF THIS HOUSE— ALTERATION OF QUESTIONS.

THE O'DONOGHUE, who had given Notice of a Question on this subject, hoped he might be permitted to say that his Question did not appear in the form in which he gave Notice of it. He wished to be informed by the Speaker whether it was competent for any Clerk of the House in any case to deal with a Question without submitting it to the Speaker, and if he did so, whether that was not a serious violation of the privileges of the House? On coming to the House he said it would be his duty to communicate to the Speaker that his Question had been altered, that he could not acquiesce in the omission that had been made, inasmuch as the omitted portion related to facts about which there could be no dispute whatever, and had an important bearing on his Question. The House would notice that his Question referred to the eviction of a tenant by the Rev. Mr. Bland; and the part which the Clerk had thought fit to draw his pen through was this—

"That the Government valuation of the tenant's holding was £18, while his rent was £36—that is 100 per cent over the Government valuation."

Having stated that, he would read his Question, and he hoped to obtain the Speaker's ruling on the point which he had raised. The hon. Member then read his Question as follows:—

"If, in the case of the eviction of a tenant where the relieving officer has not received from the landlord notice of his intention to evict, it is obligatory upon the board of guardians of the union in which the eviction took place, upon being made aware of the fact, to proceed against the landlord for not complying with the requirements of the law; and, if so, whether he will see that the Killarney board

of guardians institutes proceedings against the Venerable Archdeacon Bland, of Knockane, near Killarney, who neglected to give the relieving officer the necessary notice on the eviction of John M'Mahon, a tenant who only owed a gale's rent and the running gale; and, it he is aware that this is not the first time the Venerable Archdeacon Bland has omitted to communicate with the relieving officer when evicting his tenants."

MR. SPEAKER said, with regard to the point of Order raised by the hon. Gentleman, he had to point out to him and the House that one of the Rules applying to all Questions put to Members of the Government was that there should be no argument, or opinion, or any fact stated by the hon. Member putting a Question, except in so far as was necessary to explain such Question. Now, the fact stated in the portion of the hon. Member's Question which had been struck out was not necessary to the clear understanding of the Question, and it also advanced an opinion. Therefore, that part of the Question was out of Order; and it was properly struck out, in pursuance of the Order of the House applying to Questions.

MR. W. E. FORSTER said, he had received no Notice of this Question till it appeared that morning, and therefore he was unable to do more than to state that he had written to make inquiry into the matter. He was aware that a similar omission to that referred to had been previously made by Archdeacon Bland; but, with regard to the law, the landlord was bound by Act of Parliament to give notice to the relieving officer of any writ, decree, or process for taking possession of land on which there was a dwelling-house, and he was liable to a penalty of £20 if he omitted to serve such notice. As far as he could learn, the enforcement of the law rested on the Board of Guardians. As far as the Government were concerned, he had to state that the Constabulary, when reporting evictions to the Government, reported whether due notice had been served on the relieving officer or not; and in all cases in which such notices were served, they were communicated to the authorities and the necessary steps taken.

#### AFGHANISTAN—RE-INFORCEMENTS TO CANDAHAR.

SIR H. DRUMMOND WOLFF asked, Whether the noble Lord the Secretary

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of State for India could inform the House in what time the reliefs were likely to reach Candahar?

THE MARQUESS OF HARTINGTON: Does the hon. Gentleman refer to the reinforcements under General Phayre?

SIR H. DRUMMOND WOLFF: Yes.

THE MARQUESS OF HARTINGTON: I am not able to state exactly the time, nor do I think it would be expedient to state it even if I could.

#### CIVIL SERVICE ESTIMATES—THE IRISH ESTIMATES.

MR. PARNELL asked the Chief Secretary for Ireland, Whether he could now fix a day for proceeding with the Irish Estimates; and, if not, whether he could name a day before which they would not be taken?

MR. W. E. FORSTER feared that it was not in his power to fix a day at this moment. Those Estimates would not, however, be taken before next Monday week, and he would endeavour to give a Notice that would suit the convenience of hon. Gentlemen.

#### PARLIAMENTARY ELECTIONS AND CORRUPT PRACTICES ACT—CORRUPT PRACTICES IN REPORTED BOROUGHES—COMMISSION OF INQUIRY.

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reference to a Question of which Notice had been given by the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) with regard to the day on which the question of the appointment of a Royal Commission to inquire into the corrupt practices reported to have prevailed extensively in certain boroughs would be brought before the House, said, he had consulted with his noble Friend the Secretary to the Treasury on the subject, and the only promise he could obtain from his noble Friend was that he would give him the earliest possible day for that purpose which the state of Public Business would afford.

#### DISTRESS (IRELAND)—EMIGRATION.

MR. NEWDEGATE asked the Chief Secretary for Ireland, Whether there was any fund available to assist emigration from the distressed districts in Ireland; and, if there was such a fund, by whom it was administered?

MR. W. E. FORSTER, in reply, said, that was rather an important Question

to be put without Notice; but he thought he was right in stating that Boards of Guardians had, under certain conditions, power to use the rates to assist emigration. He was not aware that there was any other fund for that purpose.

#### ARMENIA, ASIA MINOR, AND SYRIA—THE DEBATE—PERSONAL EXPLANATION.

MR. BOURKE said, that the House would, perhaps, allow him to make a short personal explanation with regard to an incident which arose in the debate which took place in respect to Armenia on Friday week. He had stated, on the day before yesterday, that it was not his wish to bring on that subject in the absence of the Prime Minister; but the noble Lord the Secretary of State for India intimated that it would be convenient for the Government, if he thought it necessary to do so, for him to bring on the question on some early opportunity. His hon. Friend the Under Secretary of State for Foreign Affairs expressed the same opinion, remarking that it would not be necessary for either of them to allude to anything except the Papers already in the possession of the House. Therefore, he hoped that the House would indulge him for a very few moments while he made the explanation he desired to offer. The statement made by the right hon. Gentleman at the head of the Government, to which he took exception at the time, and to which he had said he would call the attention of the House on a future occasion, was that—

“The jealousy of the European Powers with reference to that Convention (the Anglo-Turkish Convention) was placed at the time on record by France, although that record was, unhappily, concealed from us.”

There were two statements contained in those words. The first was, that the jealousy of the European Powers was placed on record by France. As a matter of fact, the jealousy of the European Powers was not placed on record by France, as far as he could find, at the time. There was a despatch, no doubt, on the subject from the French Government; but that was not the question. The question was as to the jealousy of the Powers, and that he did not understand to have been placed on

*Sir H. Drummond Wolff*

record by France. There was no jealousy expressed on the part of Austria, on the part of Germany, or on the part of Italy. The next statement of the Prime Minister was that, "unhappily, that record was concealed from us." He would state, very shortly, the facts with regard to the despatches. The despatches to which his hon. Friend had already alluded were contained in Paper 48, 1878, and they were substantially three documents. Their dates were respectively July 7, July 21, and August 7. They were laid on the Table of the House on August 15 with a number of other Papers, and Parliament was prorogued on the next day. Therefore, it was the intention of the Government that those despatches should be in the hands of Members as soon as possible. He had laid them on the Table before the House rose, among a great number of other Papers. He had presented about 16 different classes of Papers on that day. The consequence was, there was a vast deal of business at the Foreign Office and much printing to be done; and the ordinary course was followed in regard to all those despatches and Papers—namely, that they should be distributed to Members and the public as soon as convenient; and although it was nearly three months before the particular class of Papers alluded to were in the hands of Members, yet other classes were not published till a later date, some of them not till the following January. There was, therefore, nothing extraordinary or unusual done in respect to those despatches. They were not kept back or concealed from the public by the Government in any way whatever; and he could not understand how anybody could read them and not see that it was for the interest of the Government that they should have been made public. With respect to the statement which he (Mr. Bourke) made on a recent occasion, he would only ask the House to recollect that, at the time, he had had no means of consulting any document, and that it was made on the spur of the moment. What he then said was that—

"He had heard with much surprise the statement of the right hon. Gentleman that the Anglo-Turkish Convention had aroused the jealousy of France, and that the late Government had concealed from the House despatches on the subject. He was not prepared to say that there was no despatch in existence that

betrayed jealousy on the part of France; but that he had no recollection of such a document, and that he should be surprised to hear of its existence."

He now admitted that statement was far too general; and if the despatch from M. Waddington had been in his recollection at the time, he should rather have said that though, at one time, apprehensions did exist in some quarters in France as to the probable consequences to French interests of the Anglo-Turkish Convention, yet, after the explanations had been given at Berlin which had been asked for by the French Government, there was no jealousy on the part of France, and that the relations between the two Powers were as satisfactory as ever. That would have been a more accurate description of the state of things; and he hoped that the House would allow him, as a matter of historical accuracy, to substitute these words for those which he actually used. The right hon. Gentleman having quoted several passages from M. Waddington's despatches, which he admitted to be of a strong character, said that the object of the despatch was simply to put on record the fact that there had been, in some quarters in France, a misapprehension as to the Anglo-Turkish Convention; and that explanations having been asked for and given, they were considered satisfactory. He did not think he need delay the House any longer. He thanked the House for allowing him to say so much. He could only say, in conclusion, that although it was unfortunate the Prime Minister should have used the word "conceal," it would have been better to have used the words which he had now used instead of the words which he did use at the time.

SIR CHARLES W. DILKE said, he hoped that, by the indulgence of the House, he might be allowed to say a word with regard to what had fallen from the right hon. Gentleman, and he would say it, as it were, in the manner of a personal explanation on behalf of the Prime Minister. The right hon. Gentleman had seemed to invite him to make a personal explanation of that nature on behalf of the Prime Minister, inasmuch as he had said that it was unfortunate that the Prime Minister should have made use of the word "concealed." Now, the impression which the House had derived, he thought, from the speech

of the right hon. Gentleman on Friday week was very fairly stated in *The Times* summary of his speech, which was that—

“Mr. Bourke denied altogether Mr. Gladstone's assertion that the Anglo-Turkish Convention had led to any jealousy on the part of France.”

The statement made by the Prime Minister was that—

“The jealousy of the European Powers with reference to the Convention was placed at the time on record by France, although that record was, unhappily, concealed from us.”

Those were the words which the right hon. Gentleman considered unfortunate; but they were absolutely justified by the facts. The right hon. Gentleman, on Monday last, stated that he should have brought this subject forward earlier, but for the absence of the Prime Minister; and he afterwards added that he had not brought it forward, because in the previous week he had not been able to obtain access to Papers necessary to his case. He did not know yet whether he referred to the confidential Papers, though he put the question at the time. The right hon. Gentleman had the same access to Papers which had been presented to the House as anyone else had, and he could hardly see what he meant. It was not right for him (Sir Charles W. Dilke) to make any reference to documents which the late Government thought it undesirable should be laid before the House, and he would only say, what the custom and traditions of the Office which he represented would justify him in saying, that the case which he had to present to the House would not be weakened if he went to the confidential documents. The right hon. Gentleman had not alluded to speeches which Ministers had made in the course of the debate upon the Congress of Berlin, which terminated in a division, and in which the House was informed of the then condition of the subject. No Papers relating to the views of foreign Powers upon the Anglo-Turkish Convention had at that time been laid before the House. That debate took place on the 29th and 30th of July, and the 1st of August, 1878. On the 29th of July, his noble Friend the present Secretary of State for India asked the Government as to the opinion of foreign Powers in regard to the Asia Minor Convention; and on the 30th the noble Lord the Member for

*Sir Charles W. Dilke*

Liverpool (Viscount Sandon) alluded to the subject, and implied that foreign Powers were favourable to the Convention. On the same day the present Prime Minister also asked the Question, and the late Home Secretary said that France was satisfied with the Convention. But, on the 1st of August, the Question was more distinctly asked than on any previous occasion by Mr. Lowe. He asked the Government to state whether France “had not expressed dissatisfaction at the Asia Minor Convention;” and the noble Lord the then Postmaster General replied that, to judge from the speeches of Members of the Opposition, there was alienation, and, in fact, exasperation, on the part of France. He said—

“I give to that statement the most unqualified and explicit denial. . . . Not a cloud has arisen. . . . We have proceeded . . . in complete harmony with the Government of France. . . . France knows that the right hon. Gentleman (Mr. Gladstone) represents only a minority that is dwindling and dwindling every day.”—[See 3 *Hansard*, cxlii. 904.]

The right hon. Gentleman had just stated that at that time the objections which France had at first entertained to the Asia Minor Convention had been removed by explanations given at Berlin; but he could only say that was not the case. The Paper “Turkey, No. 48,” which the right hon. Gentleman had quoted, was dated long after any explanation which had been given at Berlin. That document, the French despatch, was dated the 21st of July, and, 12 days after it had been received, the noble Lord had said that not a cloud had arisen, and that they were in perfect harmony with France. What the Prime Minister said was that “the jealousy of the European Powers was placed on record by France.” That was an exact and accurate statement of the case. M. Waddington, on the 21st July, had written that—

“The Convention which was signed on the 4th June, and not made public until the beginning of this month, has produced a considerable sensation in all quarters”

—of course, that meant in other parts of the world—and he went on to say that—

“This impression has been deeper in France than anywhere else.”

Hethen spoke of that which had “touched France to the very heart,” and of “the

outburst of surprise and uneasiness" which had taken place in France. Twelve or 13 days after the receipt of that despatch a Cabinet Minister assured the House that no cloud had arisen, and that the Government were proceeding in complete harmony with France. He would leave to the House the appreciation of those statements. The information was, he maintained, concealed from that House, because the House was allowed to debate and to decide by a division upon the grave issues of the Congress of Berlin without this information, and in the face of the contradiction of the noble Lord the then Postmaster General. Fourteen days after the division a dummy Paper containing this despatch was laid before the House, which ultimately became "Turkey, No. 48," and which, on the 5th November, was circulated to Members. He maintained, in the face of these facts and dates, that the Prime Minister was amply justified in stating that jealousy had arisen in France. In fact, the Government kept back this despatch till the last possible moment, for the publication only preceded by two or three days the publication of the French Yellow Book in which it was contained; indeed, it would have reached this country, through the newspapers, in about the same time that the Blue Book would be in the hands of Members.

LORD JOHN MANNERS said, he thought it would have been more courteous, and more in accordance with the course generally taken, if the hon. Gentleman had given him some intimation of his intention to allude to the speech he had made so far back as 1878. He wished to say, however, that, having listened to the account the hon. Gentleman had given, he adhered to what he had said in 1878—that, as between the two Governments of England and France, there was at the moment he made the speech no cloud. The two Governments were acting in perfect harmony and perfect consistency; and if the hon. Gentleman wished for any proof of that statement, he would refer him to the fact that at that time the most delicate and complicated negotiations with respect to Egypt, which had since been brought to an entirely successful issue, were going on between France and England. He maintained that he was correct and justified in using the language referred to by the hon. Gentle-

man; and with regard to M. Waddington's statement that considerable sensation had been caused by the news of the Anglo-Turkish Convention, that did not in the least imply that there was anything but harmony between the two Governments, and was equally true of England, where, no doubt, great excitement was created.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

MR. PARNELL gave Notice that, to-morrow, he would ask the noble Lord the Secretary of State for India and the present Leader of the House, Whether the Government could afford him facilities for the purpose of obtaining the opinion of the House on the Motion of which he had given Notice respecting the Parliamentary relations between England and Ireland?

THE MARQUESS OF HARTINGTON: In accordance with the Notice I gave the other day, I rise to move—

"That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act, 1870 (Commission)."

It may be convenient for me to take this opportunity of stating, as far as I can at this moment, what arrangements we propose with regard to the Business of the House. We hope it may be possible to dispose of the Employers' Liability Bill to-night; but, if not, to proceed with it at the Morning Sitting to-morrow. If that Bill is finished to-night, we propose to go on to-morrow morning with the Post Office Money Orders Bill, the Merchant Shipping (Grain Cargoes) Bill, the Census Bill, and with other Business of minor importance. If it should be necessary to proceed with the Employers' Liability Bill to-morrow, and we cannot make any progress with the measures I have mentioned, I hope the House will give us a Sitting on Saturday, for the purpose of making some progress with those measures which are not of general interest to the great body of the House. On Monday we propose to proceed with Supply, and we shall ask the House to go into Committee on the Hares and Rabbits Bill on Tuesday next. It will be necessary, I am afraid, to postpone once more the consideration of the Indian Financial Statement. I am aware that, in ordinary circumstances, it is very desirable that that Statement

should be made before quite the close of the Session; but the House, I hope, will bear in mind, not only the exceptional position of its own Business, but the exceptional circumstances that exist with respect to Indian finance. Besides, there may, possibly, be some advantage in deferring the consideration of affairs of which we are even now without complete knowledge. Our further arrangements must, of course, depend on the progress made during this week and the next with the Bills I have named. With regard to another matter, I wish to make an appeal to the hon. Member for Eye (Mr. Ashmead-Bartlett), who has a Motion for to-morrow evening on the affairs of Afghanistan. It was observed during the conversation on the count-out on Friday last that Members of the Government, when the discussion of a particular subject was inconvenient to them, ought to appeal to hon. Members themselves not to introduce those topics. I have no hesitation in appealing to the hon. Member on this matter, and in saying that the present time would be inconvenient for the discussion of affairs in Afghanistan, and especially of the point to which he proposes to call attention. I am sorry that it would be almost impossible for me at present to make any statement as to the condition of affairs in that country. I will answer the Question of the hon. Member for Cork to-morrow.

Motion made, and Question proposed,

"That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act, 1870 (Commission)." — (*The Marquess of Hartington.*)

MR. ASHMEAD-BARTLETT said, after the appeal of the noble Lord, he should, of course, not think of pursuing any other course than that of withdrawing his Motion. As for the count-out on Friday evening, whatever might be the proper course for the Government, it could not be usual for one of the Secretaries to the Treasury to endeavour to induce hon. Members who were already in the House to leave it, as had been openly done on that occasion.

MR. ROBERTS said, he was not prepared to oppose the Motion, or in any way to interfere with the concession which it proposed to make to the Irish

Members; but he thought it rather hard that they could not get five minutes of Government time to push through its final stages a measure which had the support of a large majority in the House, and which was supported by 29 out of the 30 Welsh Members. He referred to the Sale of Intoxicating Liquors on Sunday (Wales) Bill. He appealed more strongly to the noble Lord, as he himself had for many years been a Welsh Member, and at the late Election a safe seat in Wales was reserved for him, until he had fought and won a more important, though not more worthy, constituency in Lancashire.

MR. RICHARD said, it was rather dangerous to suggest to the Welsh Members that the only way they could get the claims of their country attended to was by a system of Obstruction. There were dangerous possibilities in the Welsh character. If the Welsh Members did not habitually obtrude themselves upon the House, it was not from incapacity to talk. Seeing the unanimity of feeling on the subject of Sunday closing in the Principality, he appealed to the Government to give them an opportunity of proceeding with their Bill.

SIR EDWARD COLEBROOKE said, that after the answer of the noble Lord, there was very little hope of a satisfactory answer in reference to the Educational Endowments (Scotland) Bill. If it was in the power of the Government to afford facilities for a discussion on the second reading, he trusted that this might be afforded. He thought the Scotch Members would be very glad to take advantage of the Saturday Sitting.

MR. E. STANHOPE said, he should have assented to the postponement *sine die* of the discussion on the Indian Budget if the noble Marquess the Secretary of State for India were awaiting information from India of a character of much importance. If this were not so, it was most desirable, before Members began to disperse, that the discussion on the Budget should be taken, before Bills, which the Government admitted were not of equal importance, were dealt with. He appealed to the noble Marquess to give them an assurance that he would make his Financial Statement in the course of next week.

MR. DILLWYN remarked, that the Welsh were enthusiastically in favour of

the Sale of Intoxicating Liquors on Sunday (Wales) Bill, and he hoped that facilities would be given for a discussion upon it.

MR. BERESFORD HOPE appreciated the difficulties which surrounded the Government, though he did not sympathize with them. But the Government were free to state when they intended to take the first stage of measures not yet before the House. Among them was one of considerable interest and importance, the Ballot Continuance Act. The introduction of this Bill was in the power of the Government, while they were bound to give sufficient time for its later stages, so as to enable a question of so much interest to be adequately considered; and he would be glad to hear of any morning, any night, or any day, in short, in any week, on which the Government proposed to bring it in.

MR. COURTNEY also deprecated the postponement of the Indian Budget indefinitely. He was a strong supporter of the Hares and Rabbits Bill; but he would willingly sacrifice a day's discussion of that measure to the consideration of our Indian finances. He was at a loss to understand the reasons alleged for the delay. It was impossible to get full and complete information from India before the close of the Session; but the Government had already had sufficiently definite information to enable them to make a statement on the subject, so that the question might be discussed as to the duty of this country to assist India in the cost of the Afghan War. The proper consideration of that question was necessary not merely to fulfil their duty, but for the honour of that Assembly.

MR. STAFFORD NORTHCOTE: While we on this side of the House are naturally desirous of assisting the Government, as far as we can, with Public Business at this period of the Session, we cannot but feel that it is inconvenient to fix a particular hour for the close of a discussion in Committee, in order that a particular Motion may be taken, which I do not understand the Government intend to agree to. It might be arranged that the House should meet at 3, in order, if possible, to finish the Committee on the Employers' Liability Bill at one Sitting. With regard to the Saturday Sitting, I think we ought to be told clearly what Business it is pro-

posed then to take. A Saturday Sitting is never very convenient; but the House would probably not be indisposed to take that step for the furtherance of what may be described as Business of a non-contentious character, such as the Post Office Savings Bank, or the Census Bill.

MR. MORGAN LLOYD urged the claim of the Welsh Members to have the measure brought forward in which they were interested.

THE MARQUESS OF HARTINGTON: Although I have no right to address the House, perhaps I may be allowed to say a few words in reply to the appeals and arguments which have been addressed to me. My hon. Friends from the Principality of Wales will remember that, not long ago, the Prime Minister answered an appeal made to him on the subject of the Sale of Intoxicating Liquors on Sunday (Wales) Bill, by pointing out the difficulties which lay in the way of the Government preventing them promising to afford assistance for the consideration of the Bill during the present Session. The state of Public Business has not advanced since then. At that time my right hon. Friend expressed his hope and a strong desire that the Government should be able in the next Session to afford facilities for the consideration of this Bill as that afforded to Irish Members on the occasion of the passing of the Sale of Intoxicating Liquors on Sunday (Ireland) Bill. The matter will receive the consideration of the Government; but I do not think it would be possible, at this period of the Session, to make any reply as to this subject beyond that made a short time ago. My hon. Friend the Member for Mid Lincolnshire (Mr. E. Stanhope), and my hon. Friend the Member for Liskeard (Mr. Courtney), seem to have understood me to say that it was my intention to postpone *sine die* the Indian Financial Statement; but I have, I can assure them, no such wish. On the contrary, although I do not think it possible, until we see what progress is made this week, to name any day for taking the Budget, yet I am most anxious to bring it forward. Every mail that arrives from India will, probably, bring additional means of arriving at a comparatively clear idea as to the financial state of that country. We have made some inquiries with respect to it, partly by telegraph and partly

by despatches, and the replies which we have received by telegraph are not altogether clear; but, as I have said, we expect that every mail may make the situation more clear. Therefore, it is not simply with the hope of "something turning up" adding to our information, but for a definite reason that the postponement is asked for. I fear that, in any circumstances, the Financial Statement this year must be very imperfect and unsatisfactory; and I quite admit that it is desirable that hon. Members who desire to discuss the financial position of India should have that opportunity afforded them as soon as possible. I can assure them that there shall be no intentional or indefinite delay, so that they may have that opportunity. The right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) put a Question to me about the Ballot Bill; and I may inform him that provision to prolong the Ballot Act has been already introduced in the Expiring Laws Continuance Bill. It appears to me undesirable that the House should be invited to consider until next year the Ballot Bill, as well as the other Acts regulating elections. The right hon. Gentleman opposite (Sir Stafford Northcote) pointed out that it is not very convenient to interrupt our proceedings in Committee this evening as is proposed, and I regret that the Government are under the necessity of doing so; but we have thought the Motion of the hon. Member for Longford deserving of discussion, and as we have nearly the whole time for Business at our disposal, we felt that the hon. Gentleman had some claim on us to give him facilities for bringing the Motion on. Having agreed to do so, the time given must be either at the beginning or at the end of a Sitting, and we are of opinion that the proposal which we made was, on the whole, the best. I may add that the practice of taking non-contentious Business only on Saturday has not always been followed by the late Government, for they put down measures such as the Army Mutiny Bill for that day.

MR. GIBSON observed, that they had not been told that the Government were going to take nothing but Government Business on Saturday.

MR. HUSSEY VIVIAN understood that the Government pledged them-

selves to give next year the same facilities for the Sale of Intoxicating Liquors on Sunday (Wales) Bill as had been given for the similar measure which had been brought forward in the case of Ireland. He would also like to hear whether there was any probability of the Burials Bill being taken, in which measure the Welsh people were also greatly interested.

LORD RANDOLPH CHURCHILL expressed his surprise at the remarks which had fallen from the noble Marquess with respect to the Ballot Act. At the commencement of the Session they stated that that Act would be dealt with in a separate Bill; but some time after the Prime Minister said that it was intended to deal with the Ballot temporarily by means of a separate Continuance Act. That announcement was not altogether satisfactory to many hon. Members on both sides of the House; but, still, they thought that an opportunity for a debate on the Ballot would be given; and he himself, about a fortnight ago, gave Notice of a Motion which he intended to make when the Continuance Bill came on for discussion. Further, he had taken an opportunity to ask the Under Secretary of State for Foreign Affairs, who of the Ministers would have charge of the Bill; and the reply of the hon. Gentleman was that he would have charge of the Bill, and that he would give due Notice of its introduction. But now, without one word of Notice, in a most extraordinary manner — ["Oh!"] — if that was the way in which hon. Gentlemen opposite thought the Public Business ought to be conducted, he begged to remind them that the course which they deemed it right to pursue might give rise to counter proceedings of a similar nature. He repeated, in a most extraordinary manner, the Government intimated that the Ballot Act would be included in the Expiring Laws Continuance Bill, in direct opposition to the pledges they had given. He would merely add that, under the circumstances, he would take every possible opportunity for preventing the Expiring Laws Continuance Bill from passing into law.

SIR WILLIAM HARCOURT thought the grievance of which the noble Lord complained was purely imaginary. He would have the same right to discuss the terms of his Motion when the Expiring Laws Continuance Bill was introduced

as he would if a Continuance Bill had been brought in instead. He himself had understood the Prime Minister to say, speaking in a colloquial manner, that the Bill to be brought forward would be an ordinary Continuance Bill, and not a separate measure. It had become necessary to continue the law, and he had never heard of the necessity for a second Bill. As to there having been any pledge to have a separate Continuance Bill, he knew of no instance in which this had been given.

MR. J. R. YORKE said, he had, ever since the beginning of the Session, been anxious to bring before the House a subject in connection with the Corrupt Practices Bill, and had endeavoured to engage the attention of the House with respect to it. He was, however, informed by the Prime Minister that the time at which he was about to bring the matter before the House was somewhat inopportune; but that it would be open to him to bring it forward later in the Session. That opportunity, he thought, would have arisen when the Ballot Act Continuance Bill was introduced; but under the arrangement which it was now proposed by the Government to make he should be placed completely at a disadvantage.

MR. MUNDELLA said, with reference to the Question put by the hon. Member behind (Sir Edward Colebrooke) as to the Educational Endowments (Scotland) Bill, that he regretted that he was not in a position to indicate the day when it would be taken; but he hoped it would be taken some day next week, and he would, as early as possible, give Notice of the day.

SIR WALTER B. BARTTELOT was exceedingly disappointed at the statement of the Secretary of State for India with regard to the Business of the House. He had been in great hopes that they would have heard what Bills the Government intended to drop. He thought that on the 5th of August, with the enormous amount of Supply still to be granted, and the Indian Budget to be discussed, as also the proportion of money which was to be paid by this country and India on account of the Afghan War, he was only expressing the wishes of both sides of the House in saying that he hoped the Government would make known on Monday what Bills they did not intend to press forward this Session.

MR. OTWAY greatly regretted that the discussion on Indian finance had again been postponed; but he accepted the reasons given by the Government as satisfactory. The Prime Minister—whom he sincerely trusted they might see in his place this Session—at the opening of Parliament, informed them that there were two questions pending of a European character, one of which was a burning question. Now, nothing had transpired since that statement was made to detract from the importance of one of these questions, and, so far from its diminishing, it had increased in importance. He believed that, at this moment, the state of Europe, and the part that this country was taking, were such that it was indispensable to consider them; and it would be most improper for Parliament to separate without a full discussion of the foreign affairs in which Her Majesty's Government were taking so prominent a share. It was impossible, after the rumours which were reaching them day by day of the intention of the Government to commit the folly of proceeding, by naval force, to compel an independent Power to take a certain course, to allow the Session to close without giving the Government an opportunity of denying or of confirming those rumours. No allusion had been made to that all-important subject in the programme of Business which had been announced; and no statement had been made that an opportunity would be afforded to the House of discussing it, deeply though the interests of the country were involved in it. He should, therefore, on Monday appeal to the noble Lord to inform them on what day Papers would be laid on the Table, or by what other means an opportunity would be given to that House to elicit information and discuss these matters.

MR. A. J. BALFOUR protested against the proposal that had been made—that the House should sit on Saturday. Before the Government took a Saturday Sitting they should show that they were willing to proceed with the Business in a regular way. But they were going to allow a discussion to come on to-night as to the Irish Land Commission which they knew must be barren, as the Chief Secretary for Ireland had announced that he did not intend to alter it. A Saturday Sitting should only be allowed if there was some exceptional Bill which



be unable to pay their rents owing to the recent distress in Ireland?

MR. W. E. FORSTER: Sir, it will be convenient to answer these two Questions together, as they both relate to the rejection last Tuesday by the House of Lords of the Compensation for Disturbance (Ireland) Bill. The hon. Member for Dungarvan asks me what steps we now propose to take for the protection of poor cultivators of the soil in Ireland who may be evicted for an inability to pay rent caused by the recent and prevailing distress in that country? The object of the Bill passed by this House was to protect such tenants upon the fulfilment of conditions to which I need not now refer. The House of Lords have thought it right to reject that Bill. Though we deeply regret their decision, I must reply that, after careful consideration, the Government does not think it would be to the public advantage to bring in any fresh Bill on the subject this Session. The hon. Member for the City of Cork asks me whether we propose to employ the Constabulary and Military for the purpose of assisting at the eviction of tenants who can be proved to be unable to pay their rents owing to the recent distress in Ireland? I trust there will be no need to call in the aid of the Military for any purpose in Ireland; but it is my duty to state that we shall protect the officers of the Courts of Law in the execution of the law. We must enable the law to be carried out, or society would be disorganized altogether; but I can assure the House that we shall strive to fulfil our duty in this respect with the utmost consideration for the sufferings of these poor tenants. I earnestly hope that the expectation of a plentiful harvest will not be disappointed, and that thereby the sufferings of the people will be alleviated, and the difficulties of the Irish Government diminished. These difficulties are great; and I can only call upon all Members of this House—upon all Members of either House of Parliament, upon all good citizens, of whatever class, party, or condition—to try to realize to themselves these difficulties, and to aid us in the maintenance in Ireland of good order and good feeling, and to use any influence they may have in Ireland to counsel moderation by the landlords in the exercise of their legal rights, and to beg the landlords to remember—as I

doubt not the large majority of them will remember—the condition of many of their tenantry.

#### AGRICULTURAL DISTRESS—THE ROYAL COMMISSION.

MR. VILLIERS-STUART asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Her Majesty's Government are willing to extend the scope of inquiry of the Royal Agricultural Commission to the subject of Irish farm labourers' dwellings, with the view of ascertaining the best means of promoting their improvement?

MR. W. E. FORSTER: The hon. Gentleman's Question refers to the Royal Commission appointed a year or two ago. The Government could not now very well, as it has been sitting so long, impose on it any fresh labour. Information on this subject can be had, I think, by other inquiries.

#### RAILWAYS (IRELAND)—THE GREAT SOUTHERN AND WESTERN RAILWAY COMPANY OF IRELAND AND THE WATERFORD AND LIMERICK RAILWAY COMPANY.

MR. GIBSON asked the President of the Board of Trade, Why the Railway Commissioners do not hold the inquiry into the pending differences between the Great South Western Railway Company of Ireland and the Waterford and Limerick Railway Company in Ireland; what has caused them to abandon the intention of holding the inquiry in Ireland; and, can he suggest any public advantage which is gained by holding the inquiry in London, and thus compelling two Irish Railway Companies to bring over from Ireland some of their leading officials?

MR. CHAMBERLAIN, in reply, said, he could not see that any public advantage would be gained by holding the inquiry in London instead of on the spot. On the contrary, he thought it was clearly a case contemplated by the Legislature in which it was desirable that the inquiry to be held should be local. He understood that the Railway Commissioners in the present instance were willing, and had made arrangements, to hold the inquiry on the spot; but that at the request of the parties interested they proposed to hold the inquiry in London.

Mr. GIBSON asked if the request could be made public?

Mr. CHAMBERLAIN said, if the right hon. and learned Gentleman wished, he would inquire whether the request had been made verbally or by letter; but he was informed by the Railway Commissioners that the request had been made.

Mr. CALLAN gave Notice that on Monday next he would ask the President of the Board of Trade, Whether he was aware that, when last year the powers of the Railway Commissioners were renewed, it was on the express condition that when cases of complaint occurred in Ireland inquiry was to be made in that country?

Mr. CHAMBERLAIN said, no doubt, some statement of the kind had been made, and he thought himself it was desirable the inquiry should be made in the locality; and it was only decided to hear the case in London on account of the request of the litigants themselves.

#### THE LUNACY LAWS—LEGISLATION.

Mr. FRASER-MACKINTOSH asked the Secretary of State for the Home Department, Whether, as indicated in Her Majesty's Speech, the Lunacy Laws do not require amendment; whether it is the intention of Government to introduce a measure next Session for amending these Laws; and, whether the Government will during the Recess institute a full and searching inquiry into the system and working of these Laws, by a Royal Commission or otherwise, in order that, with the view of satisfactory legislation, the fullest possible information on the subject may be before Parliament?

Sir WILLIAM HARCOURT, in reply, said, there could be no doubt that the Lunacy Laws required amendment; but he thought it would be very imprudent to pledge Her Majesty's Government to introduce a measure on that subject next Session. There was already ample information available in order to supply material whenever there was time to bring in a Bill on the subject.

#### AFGHANISTAN—THE WAR—MILITARY EXECUTIONS AT CABUL.

Sir WILFRID LAWSON asked the Secretary of State for India, Whether

he has any information as to the execution of Afghan prisoners by our troops at or in the neighbourhood of Cabul during April of this year?

THE MARQUESS OF HARTINGTON, in reply, said, the only information he had on the subject was contained in a Report from General Stewart, which was dated the 12th of May, and inclosed a list of prisoners taken in two actions, on the 19th and the 20th of April. In the first action 12 prisoners were captured, of whom nine were released, one died in hospital, and two were shot by order of General Stewart. In the second action 14 prisoners were taken, of whom 11 were afterwards released, and three shot by order of General Stewart. In both instances the prisoners who were ordered to be shot had fired on our men when the action was over. The Report of General Stewart would be inclosed in the Papers which he hoped before long to lay on the Table of the House; but it would be presented as an unopposed Return if his hon. Friend moved for it.

#### NAVY—THE ROYAL MARINES—VOLUNTARY RETIREMENT.

COLONEL RUGGLES-BRICE asked the Secretary to the Admiralty, Whether it is true that an officer, late a Captain in the Royal Marine Light Infantry, was refused retired pay after a service of over nineteen years; whether, by existing Order in Council, officers of the Royal Marines who joined prior to April 1870, and having less than twenty-two years' full pay service, are debarred from voluntarily retiring with either an annuity or a gratuity, notwithstanding, under the same Order in Council, they became subject to compulsory retirement at the age of forty-two; and, whether this officer, if he had been serving in the Army, would have been entitled to an annuity or gratuity; and, if so, the amount?

Mr. SHAW LEFEVRE: It is quite true that the Admiralty, on a recent occasion, refused retired pay to an officer who desired voluntarily to retire from the Marine Infantry for family reasons after 19 years' service. The Admiralty had no power to do otherwise under the existing Orders in Council. By remaining in the Service two years longer this officer would probably have been compulsorily

retired under the Order in Council of 1878, or he might have retired voluntarily under a previous Order with retired pay. The rule of the Army is different; an officer voluntarily retiring with the consent of the War Office would receive a gratuity varying according to his length of service. On the other hand, the retired pay for Marine officers at the age of 42 is much higher than that in the Army. It was the object of the Order in Council of 1878 to apply to Marine officers the same rates as in the Army; but the older officers most strongly objected to this, preferring the higher rates of the previous rule. They were, therefore, excepted from its provisions, so far as regards the amount of the retired pay, hence the inability of the Admiralty to give a pension or gratuity in the case referred to.

#### THE MAGISTRACY (IRELAND)—EXCLUSION OF CATHOLICS.

MR. CALLAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether since the 26th of July he has been furnished with any further and more correct information regarding certain representations made to the Irish Government complaining that Catholics were excluded from the magistracy, especially in Ulster; whether his attention has been called to the statement made in a leading article in the "Belfast Morning News" of Wednesday, under the heading of "The Irish Magistracy":—

"We are in a position to state that Mr. Thomas A. Dickson, late M.P. for Dungannon, and Mr. Litton, M.P. for Tyrone, wrote a joint letter to Lord Charlemont, Lord Lieutenant of the County, submitting the names of six Liberals, Catholic and Presbyterian, as proper persons to be invested with the Commission of the Peace. To this letter Lord Charlemont did not extend the ordinary courtesy of a reply. The two gentlemen waited a month, and then interviewed Lord O'Hagan. Lord O'Hagan expressed himself anxious to carry out the wishes of the deputation; but what could he do? He was powerless to act except on the recommendation of the Lord Lieutenant of the County. These two gentlemen, however, handed to Lord O'Hagan a list of the names they had forwarded to Lord Charlemont; and the Lord Chancellor undertook to use whatever influence he was capable of to have effect given to their desires. We understand, furthermore, that deputations have waited on the Lord Chancellor from the Counties of Antrim and Armagh, and from other Ulster counties, touching the vastly undue pro-

portion of Protestant Episcopal magistrates on the bench; and yet nothing is being done; "

whether he will inform the House if this statement is a correct version of the communications made to, and the interviews had with, the Lord Chancellor of Ireland with reference to this matter; and, whether the alleged statement of the Lord Chancellor "that he was powerless to act except on the recommendation of the Lord Lieutenant of the County," is a correct statement of the Law on the subject; and, if so, will he kindly inform the House by what authority then Lord Chancellor O'Hagan on a former occasion, not only without the recommendation of, but in opposition to the declared wish of the Lord Lieutenant of the County, appointed a non-resident Non-Catholic gentleman to the Commission of the Peace?

MR. W. E. FORSTER: The hon. Member asks me as to an article which appeared in *The Belfast Morning News*. This article professes to give an account of a private interview between the Lord Chancellor and two gentlemen. No reporters were present. I really do not know that I am called upon to give an explanation with regard to such a statement as this; but I may state that the Lord Chancellor has informed me he never made such a statement as that quoted.

MR. CALLAN gave Notice that on Monday he would ask the Chief Secretary for Ireland whether, at the time he made a statement to him in that House that no representations complaining of the exclusion of Catholics from the Irish magistracy had been made, he himself had received representations from leading Catholics in the North of Ireland?

MR. W. E. FORSTER: No, Sir; I had not.

MR. CALLAN wished to ask the right hon. Gentleman whether he had received representations from any solicitor upon the subject?

MR. W. E. FORSTER: It is entirely new to me.

#### SOUTH AFRICA—BASUTOLAND.

MR. GIBSON asked the Under Secretary of State for the Colonies, Whether the proclamation of Sir Bartle Frere, extending the operation of the South African Peace Proclamation Act to Basutoland, is now in force and being applied; and, whether that proclamation

*Mr. Shaw Lefevre*

was issued in pursuance of and in accordance with the provisions of the South African Peace Preservation Act?

MR. GRANT DUFF: The Cape Peace Preservation Act of 1878 was applied to Basutoland by a Proclamation which was issued on the 6th day of April, and is now in force. As many Questions have been asked about this subject, I may mention that on the 29th of July the Governor telegraphed from the Cape that large quantities of arms were being given up, and that a telegram received yesterday reports that there was no fresh cause for anxiety.

#### RULES AND ORDERS OF THIS HOUSE— ALTERATION OF QUESTIONS.

THE O'DONOGHUE, who had given Notice of a Question on this subject, hoped he might be permitted to say that his Question did not appear in the form in which he gave Notice of it. He wished to be informed by the Speaker whether it was competent for any Clerk of the House in any case to deal with a Question without submitting it to the Speaker, and if he did so, whether that was not a serious violation of the privileges of the House? On coming to the House he said it would be his duty to communicate to the Speaker that his Question had been altered, that he could not acquiesce in the omission that had been made, inasmuch as the omitted portion related to facts about which there could be no dispute whatever, and had an important bearing on his Question. The House would notice that his Question referred to the eviction of a tenant by the Rev. Mr. Bland; and the part which the Clerk had thought fit to draw his pen through was this—

"That the Government valuation of the tenant's holding was £18, while his rent was £36—that is 100 per cent over the Government valuation."

Having stated that, he would read his Question, and he hoped to obtain the Speaker's ruling on the point which he had raised. The hon. Member then read his Question as follows:—

"If, in the case of the eviction of a tenant where the relieving officer has not received from the landlord notice of his intention to evict, it is obligatory upon the board of guardians of the union in which the eviction took place, upon being made aware of the fact, to proceed against the landlord for not complying with the requirements of the law; and, if so, whether he will see that the Killarney board

of guardians institutes proceedings against the Venerable Archdeacon Bland, of Knockane, near Killarney, who neglected to give the relieving officer the necessary notice on the eviction of John M'Mahon, a tenant who only owed a gale's rent and the running gale; and, it he is aware that this is not the first time the Venerable Archdeacon Bland has omitted to communicate with the relieving officer when evicting his tenants."

MR. SPEAKER said, with regard to the point of Order raised by the hon. Gentleman, he had to point out to him and the House that one of the Rules applying to all Questions put to Members of the Government was that there should be no argument, or opinion, or any fact stated by the hon. Member putting a Question, except in so far as was necessary to explain such Question. Now, the fact stated in the portion of the hon. Member's Question which had been struck out was not necessary to the clear understanding of the Question, and it also advanced an opinion. Therefore, that part of the Question was out of Order; and it was properly struck out, in pursuance of the Order of the House applying to Questions.

MR. W. E. FORSTER said, he had received no Notice of this Question till it appeared that morning, and therefore he was unable to do more than to state that he had written to make inquiry into the matter. He was aware that a similar omission to that referred to had been previously made by Archdeacon Bland; but, with regard to the law, the landlord was bound by Act of Parliament to give notice to the relieving officer of any writ, decree, or process for taking possession of land on which there was a dwelling-house, and he was liable to a penalty of £20 if he omitted to serve such notice. As far as he could learn, the enforcement of the law rested on the Board of Guardians. As far as the Government were concerned, he had to state that the Constabulary, when reporting evictions to the Government, reported whether due notice had been served on the relieving officer or not; and in all cases in which such notices were served, they were communicated to the authorities and the necessary steps taken.

#### AFGHANISTAN—RE-INFORCEMENTS TO CANDAHAR.

SIR H. DRUMMOND WOLFF asked, Whether the noble Lord the Secretary

of State for India could inform the House in what time the reliefs were likely to reach Candahar?

**THE MARQUESS OF HARTINGTON:** Does the hon. Gentleman refer to the reinforcements under General Phayre?

**SIR H. DRUMMOND WOLFF:** Yes.

**THE MARQUESS OF HARTINGTON:** I am not able to state exactly the time, nor do I think it would be expedient to state it even if I could.

#### CIVIL SERVICE ESTIMATES—THE IRISH ESTIMATES.

**MR. PARNELL** asked the Chief Secretary for Ireland, Whether he could now fix a day for proceeding with the Irish Estimates; and, if not, whether he could name a day before which they would not be taken?

**MR. W. E. FORSTER** feared that it was not in his power to fix a day at this moment. Those Estimates would not, however, be taken before next Monday week, and he would endeavour to give a Notice that would suit the convenience of hon. Gentlemen.

#### PARLIAMENTARY ELECTIONS AND CORRUPT PRACTICES ACT—CORRUPT PRACTICES IN REPORTED BOROUGHES—COMMISSION OF INQUIRY.

**THE ATTORNEY GENERAL** (Sir HENRY JAMES), in reference to a Question of which Notice had been given by the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) with regard to the day on which the question of the appointment of a Royal Commission to inquire into the corrupt practices reported to have prevailed extensively in certain boroughs would be brought before the House, said, he had consulted with his noble Friend the Secretary to the Treasury on the subject, and the only promise he could obtain from his noble Friend was that he would give him the earliest possible day for that purpose which the state of Public Business would afford.

#### DISTRESS (IRELAND)—EMIGRATION.

**MR. NEWDEGATE** asked the Chief Secretary for Ireland, Whether there was any fund available to assist emigration from the distressed districts in Ireland; and, if there was such a fund, by whom it was administered?

**MR. W. E. FORSTER**, in reply, said, that was rather an important Question

to be put without Notice; but he thought he was right in stating that Boards of Guardians had, under certain conditions, power to use the rates to assist emigration. He was not aware that there was any other fund for that purpose.

#### ARMENIA, ASIA MINOR, AND SYRIA—THE DEBATE—PERSONAL EXPLANATION.

**MR. BOURKE** said, that the House would, perhaps, allow him to make a short personal explanation with regard to an incident which arose in the debate which took place in respect to Armenia on Friday week. He had stated, on the day before yesterday, that it was not his wish to bring on that subject in the absence of the Prime Minister; but the noble Lord the Secretary of State for India intimated that it would be convenient for the Government, if he thought it necessary to do so, for him to bring on the question on some early opportunity. His hon. Friend the Under Secretary of State for Foreign Affairs expressed the same opinion, remarking that it would not be necessary for either of them to allude to anything except the Papers already in the possession of the House. Therefore, he hoped that the House would indulge him for a very few moments while he made the explanation he desired to offer. The statement made by the right hon. Gentleman at the head of the Government, to which he took exception at the time, and to which he had said he would call the attention of the House on a future occasion, was that—

“The jealousy of the European Powers with reference to that Convention (the Anglo-Turkish Convention) was placed at the time on record by France, although that record was, unhappily, concealed from us.”

There were two statements contained in those words. The first was, that the jealousy of the European Powers was placed on record by France. As a matter of fact, the jealousy of the European Powers was not placed on record by France, as far as he could find, at the time. There was a despatch, no doubt, on the subject from the French Government; but that was not the question. The question was as to the jealousy of the Powers, and that he did not understand to have been placed on

*Sir H. Drummond Wolff*

record by France. There was no jealousy expressed on the part of Austria, on the part of Germany, or on the part of Italy. The next statement of the Prime Minister was that, "unhappily, that record was concealed from us." He would state, very shortly, the facts with regard to the despatches. The despatches to which his hon. Friend had already alluded were contained in Paper 48, 1878, and they were substantially three documents. Their dates were respectively July 7, July 21, and August 7. They were laid on the Table of the House on August 15 with a number of other Papers, and Parliament was prorogued on the next day. Therefore, it was the intention of the Government that those despatches should be in the hands of Members as soon as possible. He had laid them on the Table before the House rose, among a great number of other Papers. He had presented about 16 different classes of Papers on that day. The consequence was, there was a vast deal of business at the Foreign Office and much printing to be done; and the ordinary course was followed in regard to all those despatches and Papers—namely, that they should be distributed to Members and the public as soon as convenient; and although it was nearly three months before the particular class of Papers alluded to were in the hands of Members, yet other classes were not published till a later date, some of them not till the following January. There was, therefore, nothing extraordinary or unusual done in respect to those despatches. They were not kept back or concealed from the public by the Government in any way whatever; and he could not understand how anybody could read them and not see that it was for the interest of the Government that they should have been made public. With respect to the statement which he (Mr. Bourke) made on a recent occasion, he would only ask the House to recollect that, at the time, he had had no means of consulting any document, and that it was made on the spur of the moment. What he then said was that—

"He had heard with much surprise the statement of the right hon. Gentleman that the Anglo-Turkish Convention had aroused the jealousy of France, and that the late Government had concealed from the House despatches on the subject. He was not prepared to say that there was no despatch in existence that

betrayed jealousy on the part of France; but that he had no recollection of such a document, and that he should be surprised to hear of its existence."

He now admitted that statement was far too general; and if the despatch from M. Waddington had been in his recollection at the time, he should rather have said that though, at one time, apprehensions did exist in some quarters in France as to the probable consequences to French interests of the Anglo-Turkish Convention, yet, after the explanations had been given at Berlin which had been asked for by the French Government, there was no jealousy on the part of France, and that the relations between the two Powers were as satisfactory as ever. That would have been a more accurate description of the state of things; and he hoped that the House would allow him, as a matter of historical accuracy, to substitute these words for those which he actually used. The right hon. Gentleman having quoted several passages from M. Waddington's despatches, which he admitted to be of a strong character, said that the object of the despatch was simply to put on record the fact that there had been, in some quarters in France, a misapprehension as to the Anglo-Turkish Convention; and that explanations having been asked for and given, they were considered satisfactory. He did not think he need delay the House any longer. He thanked the House for allowing him to say so much. He could only say, in conclusion, that although it was unfortunate the Prime Minister should have used the word "conceal," it would have been better to have used the words which he had now used instead of the words which he did use at the time.

SIR CHARLES W. DILKE said, he hoped that, by the indulgence of the House, he might be allowed to say a word with regard to what had fallen from the right hon. Gentleman, and he would say it, as it were, in the manner of a personal explanation on behalf of the Prime Minister. The right hon. Gentleman had seemed to invite him to make a personal explanation of that nature on behalf of the Prime Minister, inasmuch as he had said that it was unfortunate that the Prime Minister should have made use of the word "concealed." Now, the impression which the House had derived, he thought, from the speech

of the right hon. Gentleman on Friday week was very fairly stated in *The Times* summary of his speech, which was that—

“Mr. Bourke denied altogether Mr. Gladstone's assertion that the Anglo-Turkish Convention had led to any jealousy on the part of France.”

The statement made by the Prime Minister was that—

“The jealousy of the European Powers with reference to the Convention was placed at the time on record by France, although that record was, unhappily, concealed from us.”

Those were the words which the right hon. Gentleman considered unfortunate; but they were absolutely justified by the facts. The right hon. Gentleman, on Monday last, stated that he should have brought this subject forward earlier, but for the absence of the Prime Minister; and he afterwards added that he had not brought it forward, because in the previous week he had not been able to obtain access to Papers necessary to his case. He did not know yet whether he referred to the confidential Papers, though he put the question at the time. The right hon. Gentleman had the same access to Papers which had been presented to the House as anyone else had, and he could hardly see what he meant. It was not right for him (Sir Charles W. Dilke) to make any reference to documents which the late Government thought it undesirable should be laid before the House, and he would only say, what the custom and traditions of the Office which he represented would justify him in saying, that the case which he had to present to the House would not be weakened if he went to the confidential documents. The right hon. Gentleman had not alluded to speeches which Ministers had made in the course of the debate upon the Congress of Berlin, which terminated in a division, and in which the House was informed of the then condition of the subject. No Papers relating to the views of foreign Powers upon the Anglo-Turkish Convention had at that time been laid before the House. That debate took place on the 29th and 30th of July, and the 1st of August, 1878. On the 29th of July, his noble Friend the present Secretary of State for India asked the Government as to the opinion of foreign Powers in regard to the Asia Minor Convention; and on the 30th the noble Lord the Member for

*Sir Charles W. Dilke*

Liverpool (Viscount Sandon) alluded to the subject, and implied that foreign Powers were favourable to the Convention. On the same day the present Prime Minister also asked the Question, and the late Home Secretary said that France was satisfied with the Convention. But, on the 1st of August, the Question was more distinctly asked than on any previous occasion by Mr. Lowe. He asked the Government to state whether France “had not expressed dissatisfaction at the Asia Minor Convention;” and the noble Lord the then Postmaster General replied that, to judge from the speeches of Members of the Opposition, there was alienation, and, in fact, exasperation, on the part of France. He said—

“I give to that statement the most unqualified and explicit denial. . . . Not a cloud has arisen. . . . We have proceeded . . . in complete harmony with the Government of France. . . . France knows that the right hon. Gentleman (Mr. Gladstone) represents only a minority that is dwindling and dwindling every day.”—[See 3 *Hansard*, cxlii. 904.]

The right hon. Gentleman had just stated that at that time the objections which France had at first entertained to the Asia Minor Convention had been removed by explanations given at Berlin; but he could only say that was not the case. The Paper “Turkey, No. 48,” which the right hon. Gentleman had quoted, was dated long after any explanation which had been given at Berlin. That document, the French despatch, was dated the 21st of July, and, 12 days after it had been received, the noble Lord had said that not a cloud had arisen, and that they were in perfect harmony with France. What the Prime Minister said was that “the jealousy of the European Powers was placed on record by France.” That was an exact and accurate statement of the case. M. Waddington, on the 21st July, had written that—

“The Convention which was signed on the 4th June, and not made public until the beginning of this month, has produced a considerable sensation in all quarters”

—of course, that meant in other parts of the world—and he went on to say that—

“This impression has been deeper in France than anywhere else.”

Hethen spoke of that which had “touched France to the very heart,” and of “the

outburst of surprise and uneasiness" which had taken place in France. Twelve or 13 days after the receipt of that despatch a Cabinet Minister assured the House that no cloud had arisen, and that the Government were proceeding in complete harmony with France. He would leave to the House the appreciation of those statements. The information was, he maintained, concealed from that House, because the House was allowed to debate and to decide by a division upon the grave issues of the Congress of Berlin without this information, and in the face of the contradiction of the noble Lord the then Postmaster General. Fourteen days after the division a dummy Paper containing this despatch was laid before the House, which ultimately became "Turkey, No. 48," and which, on the 5th November, was circulated to Members. He maintained, in the face of these facts and dates, that the Prime Minister was amply justified in stating that jealousy had arisen in France. In fact, the Government kept back this despatch till the last possible moment, for the publication only preceded by two or three days the publication of the French Yellow Book in which it was contained; indeed, it would have reached this country, through the newspapers, in about the same time that the Blue Book would be in the hands of Members.

LORD JOHN MANNERS said, he thought it would have been more courteous, and more in accordance with the course generally taken, if the hon. Gentleman had given him some intimation of his intention to allude to the speech he had made so far back as 1878. He wished to say, however, that, having listened to the account the hon. Gentleman had given, he adhered to what he had said in 1878—that, as between the two Governments of England and France, there was at the moment he made the speech no cloud. The two Governments were acting in perfect harmony and perfect consistency; and if the hon. Gentleman wished for any proof of that statement, he would refer him to the fact that at that time the most delicate and complicated negotiations with respect to Egypt, which had since been brought to an entirely successful issue, were going on between France and England. He maintained that he was correct and justified in using the language referred to by the hon. Gentle-

man; and with regard to M. Waddington's statement that considerable sensation had been caused by the news of the Anglo-Turkish Convention, that did not in the least imply that there was anything but harmony between the two Governments, and was equally true of England, where, no doubt, great excitement was created.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

MR. PARNELL gave Notice that, to-morrow, he would ask the noble Lord the Secretary of State for India and the present Leader of the House, Whether the Government could afford him facilities for the purpose of obtaining the opinion of the House on the Motion of which he had given Notice respecting the Parliamentary relations between England and Ireland?

THE MARQUESS OF HARTINGTON: In accordance with the Notice I gave the other day, I rise to move—

"That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act, 1870 (Commission)."

It may be convenient for me to take this opportunity of stating, as far as I can at this moment, what arrangements we propose with regard to the Business of the House. We hope it may be possible to dispose of the Employers' Liability Bill to-night; but, if not, to proceed with it at the Morning Sitting to-morrow. If that Bill is finished to-night, we propose to go on to-morrow morning with the Post Office Money Orders Bill, the Merchant Shipping (Grain Cargoes) Bill, the Census Bill, and with other Business of minor importance. If it should be necessary to proceed with the Employers' Liability Bill to-morrow, and we cannot make any progress with the measures I have mentioned, I hope the House will give us a Sitting on Saturday, for the purpose of making some progress with those measures which are not of general interest to the great body of the House. On Monday we propose to proceed with Supply, and we shall ask the House to go into Committee on the Hares and Rabbits Bill on Tuesday next. It will be necessary; I am afraid, to postpone once more the consideration of the Indian Financial Statement. I am aware that, in ordinary circumstances, it is very desirable that that Statement



should be made before quite the close of the Session; but the House, I hope, will bear in mind, not only the exceptional position of its own Business, but the exceptional circumstances that exist with respect to Indian finance. Besides, there may, possibly, be some advantage in deferring the consideration of affairs of which we are even now without complete knowledge. Our further arrangements must, of course, depend on the progress made during this week and the next with the Bills I have named. With regard to another matter, I wish to make an appeal to the hon. Member for Eye (Mr. Ashmead-Bartlett), who has a Motion for to-morrow evening on the affairs of Afghanistan. It was observed during the conversation on the count-out on Friday last that Members of the Government, when the discussion of a particular subject was inconvenient to them, ought to appeal to hon. Members themselves not to introduce those topics. I have no hesitation in appealing to the hon. Member on this matter, and in saying that the present time would be inconvenient for the discussion of affairs in Afghanistan, and especially of the point to which he proposes to call attention. I am sorry that it would be almost impossible for me at present to make any statement as to the condition of affairs in that country. I will answer the Question of the hon. Member for Cork to-morrow.

Motion made, and Question proposed,

"That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act, 1870 (Commission)."—(*The Marquess of Hartington.*)

MR. ASHMEAD-BARTLETT said, after the appeal of the noble Lord, he should, of course, not think of pursuing any other course than that of withdrawing his Motion. As for the count-out on Friday evening, whatever might be the proper course for the Government, it could not be usual for one of the Secretaries to the Treasury to endeavour to induce hon. Members who were already in the House to leave it, as had been openly done on that occasion.

MR. ROBERTS said, he was not prepared to oppose the Motion, or in any way to interfere with the concession which it proposed to make to the Irish

Members; but he thought it rather hard that they could not get five minutes of Government time to push through its final stages a measure which had the support of a large majority in the House, and which was supported by 29 out of the 30 Welsh Members. He referred to the Sale of Intoxicating Liquors on Sunday (Wales) Bill. He appealed more strongly to the noble Lord, as he himself had for many years been a Welsh Member, and at the late Election a safe seat in Wales was reserved for him, until he had fought and won a more important, though not more worthy, constituency in Lancashire.

MR. RICHARD said, it was rather dangerous to suggest to the Welsh Members that the only way they could get the claims of their country attended to was by a system of Obstruction. There were dangerous possibilities in the Welsh character. If the Welsh Members did not habitually obtrude themselves upon the House, it was not from incapacity to talk. Seeing the unanimity of feeling on the subject of Sunday closing in the Principality, he appealed to the Government to give them an opportunity of proceeding with their Bill.

SIR EDWARD COLEBROOKE said, that after the answer of the noble Lord, there was very little hope of a satisfactory answer in reference to the Educational Endowments (Scotland) Bill. If it was in the power of the Government to afford facilities for a discussion on the second reading, he trusted that this might be afforded. He thought the Scotch Members would be very glad to take advantage of the Saturday Sitting.

MR. E. STANHOPE said, he should have assented to the postponement *sine die* of the discussion on the Indian Budget if the noble Marquess the Secretary of State for India were awaiting information from India of a character of much importance. If this were not so, it was most desirable, before Members began to disperse, that the discussion on the Budget should be taken, before Bills, which the Government admitted were not of equal importance, were dealt with. He appealed to the noble Marquess to give them an assurance that he would make his Financial Statement in the course of next week.

MR. DILLWYN remarked, that the Welsh were enthusiastically in favour of

the Sale of Intoxicating Liquors on Sunday (Wales) Bill, and he hoped that facilities would be given for a discussion upon it.

MR. BERESFORD HOPE appreciated the difficulties which surrounded the Government, though he did not sympathize with them. But the Government were free to state when they intended to take the first stage of measures not yet before the House. Among them was one of considerable interest and importance, the Ballot Continuance Act. The introduction of this Bill was in the power of the Government, while they were bound to give sufficient time for its later stages, so as to enable a question of so much interest to be adequately considered; and he would be glad to hear of any morning, any night, or any day, in short, in any week, on which the Government proposed to bring it in.

MR. COURTNEY also deprecated the postponement of the Indian Budget indefinitely. He was a strong supporter of the Hares and Rabbits Bill; but he would willingly sacrifice a day's discussion of that measure to the consideration of our Indian finances. He was at a loss to understand the reasons alleged for the delay. It was impossible to get full and complete information from India before the close of the Session; but the Government had already had sufficiently definite information to enable them to make a statement on the subject, so that the question might be discussed as to the duty of this country to assist India in the cost of the Afghan War. The proper consideration of that question was necessary not merely to fulfil their duty, but for the honour of that Assembly.

SIR STAFFORD NORTHCOTE: While we on this side of the House are naturally desirous of assisting the Government, as far as we can, with Public Business at this period of the Session, we cannot but feel that it is inconvenient to fix a particular hour for the close of a discussion in Committee, in order that a particular Motion may be taken, which I do not understand the Government intend to agree to. It might be arranged that the House should meet at 3, in order, if possible, to finish the Committee on the Employers' Liability Bill at one Sitting. With regard to the Saturday Sitting, I think we ought to be told clearly what Business it is pro-

posed then to take. A Saturday Sitting is never very convenient; but the House would probably not be indisposed to take that step for the furtherance of what may be described as Business of a non-contentious character, such as the Post Office Savings Bank, or the Census Bill.

MR. MORGAN LLOYD urged the claim of the Welsh Members to have the measure brought forward in which they were interested.

THE MARQUESS OF HARTINGTON: Although I have no right to address the House, perhaps I may be allowed to say a few words in reply to the appeals and arguments which have been addressed to me. My hon. Friends from the Principality of Wales will remember that, not long ago, the Prime Minister answered an appeal made to him on the subject of the Sale of Intoxicating Liquors on Sunday (Wales) Bill, by pointing out the difficulties which lay in the way of the Government preventing them promising to afford assistance for the consideration of the Bill during the present Session. The state of Public Business has not advanced since then. At that time my right hon. Friend expressed his hope and a strong desire that the Government should be able in the next Session to afford facilities for the consideration of this Bill as that afforded to Irish Members on the occasion of the passing of the Sale of Intoxicating Liquors on Sunday (Ireland) Bill. The matter will receive the consideration of the Government; but I do not think it would be possible, at this period of the Session, to make any reply as to this subject beyond that made a short time ago. My hon. Friend the Member for Mid Lincolnshire (Mr. E. Stanhope), and my hon. Friend the Member for Liskeard (Mr. Courtney), seem to have understood me to say that it was my intention to postpone *sine die* the Indian Financial Statement; but I have, I can assure them, no such wish. On the contrary, although I do not think it possible, until we see what progress is made this week, to name any day for taking the Budget, yet I am most anxious to bring it forward. Every mail that arrives from India will, probably, bring additional means of arriving at a comparatively clear idea as to the financial state of that country. We have made some inquiries with respect to it, partly by telegraph and partly

by despatches, and the replies which we have received by telegraph are not altogether clear; but, as I have said, we expect that every mail may make the situation more clear. Therefore, it is not simply with the hope of "something turning up" adding to our information, but for a definite reason that the postponement is asked for. I fear that, in any circumstances, the Financial Statement this year must be very imperfect and unsatisfactory; and I quite admit that it is desirable that hon. Members who desire to discuss the financial position of India should have that opportunity afforded them as soon as possible. I can assure them that there shall be no intentional or indefinite delay, so that they may have that opportunity. The right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) put a Question to me about the Ballot Bill; and I may inform him that provision to prolong the Ballot Act has been already introduced in the Expiring Laws Continuance Bill. It appears to me undesirable that the House should be invited to consider until next year the Ballot Bill, as well as the other Acts regulating elections. The right hon. Gentleman opposite (Sir Stafford Northcote) pointed out that it is not very convenient to interrupt our proceedings in Committee this evening as is proposed, and I regret that the Government are under the necessity of doing so; but we have thought the Motion of the hon. Member for Longford deserving of discussion, and as we have nearly the whole time for Business at our disposal, we felt that the hon. Gentleman had some claim on us to give him facilities for bringing the Motion on. Having agreed to do so, the time given must be either at the beginning or at the end of a Sitting, and we are of opinion that the proposal which we made was, on the whole, the best. I may add that the practice of taking non-contentious Business only on Saturday has not always been followed by the late Government, for they put down measures such as the Army Mutiny Bill for that day.

MR. GIBSON observed, that they had not been told that the Government were going to take nothing but Government Business on Saturday.

MR. HUSSEY VIVIAN understood that the Government pledged them-

selves to give next year the same facilities for the Sale of Intoxicating Liquors on Sunday (Wales) Bill as had been given for the similar measure which had been brought forward in the case of Ireland. He would also like to hear whether there was any probability of the Burials Bill being taken, in which measure the Welsh people were also greatly interested.

LORD RANDOLPH CHURCHILL expressed his surprise at the remarks which had fallen from the noble Marquess with respect to the Ballot Act. At the commencement of the Session they stated that that Act would be dealt with in a separate Bill; but some time after the Prime Minister said that it was intended to deal with the Ballot temporarily by means of a separate Continuance Act. That announcement was not altogether satisfactory to many hon. Members on both sides of the House; but, still, they thought that an opportunity for a debate on the Ballot would be given; and he himself, about a fortnight ago, gave Notice of a Motion which he intended to make when the Continuance Bill came on for discussion. Further, he had taken an opportunity to ask the Under Secretary of State for Foreign Affairs, who of the Ministers would have charge of the Bill; and the reply of the hon. Gentleman was that he would have charge of the Bill, and that he would give due Notice of its introduction. But now, without one word of Notice, in a most extraordinary manner—"Oh!"—if that was the way in which hon. Gentlemen opposite thought the Public Business ought to be conducted, he begged to remind them that the course which they deemed it right to pursue might give rise to counter proceedings of a similar nature. He repeated, in a most extraordinary manner, the Government intimated that the Ballot Act would be included in the Expiring Laws Continuance Bill, in direct opposition to the pledges they had given. He would merely add that, under the circumstances, he would take every possible opportunity for preventing the Expiring Laws Continuance Bill from passing into law.

SIR WILLIAM HARCOURT thought the grievance of which the noble Lord complained was purely imaginary. He would have the same right to discuss the terms of his Motion when the Expiring Laws Continuance Bill was introduced

as he would if a Continuance Bill had been brought in instead. He himself had understood the Prime Minister to say, speaking in a colloquial manner, that the Bill to be brought forward would be an ordinary Continuance Bill, and not a separate measure. It had become necessary to continue the law, and he had never heard of the necessity for a second Bill. As to there having been any pledge to have a separate Continuance Bill, he knew of no instance in which this had been given.

MR. J. R. YORKE said, he had, ever since the beginning of the Session, been anxious to bring before the House a subject in connection with the Corrupt Practices Bill, and had endeavoured to engage the attention of the House with respect to it. He was, however, informed by the Prime Minister that the time at which he was about to bring the matter before the House was somewhat inopportune; but that it would be open to him to bring it forward later in the Session. That opportunity, he thought, would have arisen when the Ballot Act Continuance Bill was introduced; but under the arrangement which it was now proposed by the Government to make he should be placed completely at a disadvantage.

MR. MUNDELLA said, with reference to the Question put by the hon. Member behind (Sir Edward Colebrooke) as to the Educational Endowments (Scotland) Bill, that he regretted that he was not in a position to indicate the day when it would be taken; but he hoped it would be taken some day next week, and he would, as early as possible, give Notice of the day.

SIR WALTER B. BARTTELOT was exceedingly disappointed at the statement of the Secretary of State for India with regard to the Business of the House. He had been in great hopes that they would have heard what Bills the Government intended to drop. He thought that on the 5th of August, with the enormous amount of Supply still to be granted, and the Indian Budget to be discussed, as also the proportion of money which was to be paid by this country and India on account of the Afghan War, he was only expressing the wishes of both sides of the House in saying that he hoped the Government would make known on Monday what Bills they did not intend to press forward this Session.

MR. OTWAY greatly regretted that the discussion on Indian finance had again been postponed; but he accepted the reasons given by the Government as satisfactory. The Prime Minister—whom he sincerely trusted they might see in his place this Session—at the opening of Parliament, informed them that there were two questions pending of a European character, one of which was a burning question. Now, nothing had transpired since that statement was made to detract from the importance of one of these questions, and, so far from its diminishing, it had increased in importance. He believed that, at this moment, the state of Europe, and the part that this country was taking, were such that it was indispensable to consider them; and it would be most improper for Parliament to separate without a full discussion of the foreign affairs in which Her Majesty's Government were taking so prominent a share. It was impossible, after the rumours which were reaching them day by day of the intention of the Government to commit the folly of proceeding, by naval force, to compel an independent Power to take a certain course, to allow the Session to close without giving the Government an opportunity of denying or of confirming those rumours. No allusion had been made to that all-important subject in the programme of Business which had been announced; and no statement had been made that an opportunity would be afforded to the House of discussing it, deeply though the interests of the country were involved in it. He should, therefore, on Monday appeal to the noble Lord to inform them on what day Papers would be laid on the Table, or by what other means an opportunity would be given to that House to elicit information and discuss these matters.

MR. A. J. BALFOUR protested against the proposal that had been made—that the House should sit on Saturday. Before the Government took a Saturday Sitting they should show that they were willing to proceed with the Business in a regular way. But they were going to allow a discussion to come on to-night as to the Irish Land Commission which they knew must be barren, as the Chief Secretary for Ireland had announced that he did not intend to alter it. A Saturday Sitting should only be allowed if there was some exceptional Bill which

must be passed before the end of the Session. The truth was, the Government were going upon two different views as to the Business of the House. They sometimes talked as if they were going to sit till the end of October, and sometimes as if the Session were soon to be brought to a conclusion. Personally, he had no objection to sit as long as the Government might wish; but, if their labours were really to be prolonged for any length of time, it would be obviously unfair to treat the 5th of August as the end of the Session. If that date was to be treated as the middle of the Session, Business should be conducted in the ordinary manner; but if the Government intended to treat it as marking the close of the Session, the House ought, without delay, to be told what Bills the Government desired to pass. As to the Ballot Act, the complaint of the noble Lord the Member for Woodstock (Lord Randolph Churchill) had not been met by the Home Secretary. He hoped the Under Secretary of State for Foreign Affairs would make a statement in reference to the pledge which his noble Friend believed he had given.

SIR CHARLES W. DILKE said, he had told the noble Lord that he would give him Notice when the Ballot Act would be brought forward; but he was not in a position which gave him a knowledge of the intentions of the Government, nor had he any part in the settling of those matters. The Ballot Act did not come within the province of his Department; and the noble Lord was not, therefore, justified in the statement he had made.

MR. JUSTIN M'CARTHY thought the hon. Member for Hertford (Mr. A. J. Balfour) was a little premature in saying that the discussion he intended to introduce to-night would be barren. The Government might be induced to change their intentions even later than the eleventh hour. Considering the attitude of some hon. Members, he did not think the Employers' Liability Bill would suffer by the delay that his discussion would cause.

SIR WILFRID LAWSON sympathized very much with the difficulties of the Government, and also with his Welsh Friends, who had complained that they could not get on with their Bill for the closing of public-houses on Sunday. He, therefore, moved that the

Order which stood 19th on the list should be excepted from the postponement of the Orders for the Day, which had been moved by the Secretary of State for India.

MR. E. J. REED seconded the Motion.

Amendment proposed, after the word "Bill," to insert the words, "with the exception of Order No. 19."—(*Sir Wilfrid Lawson.*)

Question proposed, "That those words be there inserted."

MR. GORST joined the hon. Member for Hertford (Mr. A. J. Balfour) in protesting against all the Orders being postponed for the purpose of bringing on a barren discussion. He would oppose a Saturday Sitting. After the arduous work of the week it was impossible for hon. Members to deal with the legislation in a manner in which it ought to be dealt with. If the Government were determined to pass all the measures on the Paper—and he hoped they were determined to pass them—they must make up their minds to a protracted Session, and to take the Bills in fair course. He was ready to sit till the end of September if necessary, and he did not wish to hurry through the Business in an improper manner. For this reason he thought the conduct of the Government with reference to the Ballot Act was deserving of the most serious reprehension of the House. It was understood that an opportunity would be given to consider the election law of the country; and it ill became the Government, after the revelations in the course of the trial of Election Petitions in connection with boroughs for which Cabinet Ministers had been candidates—he was particularly referring to Oxford, where it had just been reported that extensive corrupt practices had prevailed on both sides. He was not saying this for the purpose of making any personal reproach against any Member of the Government, nor upon any single Member of the Liberal Party opposite; because he believed that 99 candidates out of 100 did the utmost within their power, even in the most corrupt elections, to stop corrupt practices; but he made the remark because, such things having taken place, it did not become the Government to smuggle the Ballot

*Mr. A. J. Balfour*

Act through the House in the form of a Continuation Bill.

MR. W. E. FORSTER said, that the time of the House was being wasted. The hon. and learned Member was confusing the Corrupt Practices Act with the Ballot Act.

MR. WARTON said, that, notwithstanding the statement of the right hon. and learned Gentleman the Home Secretary, the Prime Minister had most distinctly and unequivocally promised to deal this Session with the Ballot Act. He thought, therefore, that the noble Lord the Member for Woodstock (Lord Randolph Churchill) was quite justified in the remarks which he had made. He thought, if the Session was to be prolonged, India ought to receive fuller consideration than it had. There had been postponement after postponement of the Indian Budget, and it was a great reproach to the House that India received so little attention. He greatly admired the Postmaster General for the warm interest he had always taken in Indian affairs. They were, in his opinion, far more important than the trumpery Bill with reference to Ireland which the Government had brought forward. But it appeared the Government cared more for hares and rabbits than they did for India.

THE MARQUESS OF HARTINGTON appealed to his hon. Friend the Member for Carlisle not to press his Amendment. It was impossible for him to go beyond what he had already stated to the House. It would not be fair to the House and to the other Members who had Business on the Paper to postpone all the Orders in order to bring forward one particular private Member's Bill out of its place. He could not make any further announcement until he knew what progress was made with the Public Business this week. He trusted this discussion might now terminate.

SIR ROBERT CUNLIFFE hoped that his hon. Friend the Member for Carlisle would accede to the suggestion of the noble Lord.

Amendment, by leave, *withdrawn*.

Original Question put.

*Ordered*, That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act 1870 (Commission).

## ORDER OF THE DAY.

EMPLOYERS' LIABILITY (*re-committed*)  
BILL.—[BILL 209.]

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.*)

COMMITTEE. [*Progress 4th August.*]

Bill considered in Committee.

(In the Committee.)

Amendment proposed, in page 2, line 13, to leave out from the word "in," to the word "injury," in line 14, both inclusive.—(*Mr. Bryce.*)

Question proposed, "That the words 'In any case where the workman,' stand part of the Clause."

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that his hon. and learned Friend the Member for Chatham (Mr. Gorst) had stated that he believed it was necessary that that sub-section should be retained. The words of the sub-section would not, if retained, alter in any way the Common Law, because a workman who brought an action under those circumstances would not be able to recover compensation. But since the discussion of the previous day, he had had an opportunity of considering the matter with the right hon. Gentleman in charge of the Bill (Mr. Dodson), and they had come to the conclusion that the sub-section had better be struck out. There appeared to be no necessity for declaring the fact in that clause, that if the workman were guilty of contributory negligence he could not recover. If he were guilty of personal negligence he would be exactly in the same position if the words were struck out. The difficulty had been that which his hon. and learned Friend the Member for Coventry (Sir Henry Jackson) had stated—namely, that which would be likely to occur if those words remained. If the words were retained, the effect would probably be that a workman would be placed in a different position to that which he would occupy if they were struck out. The consequence would probably be, in fact, that the County Court Judges would consider that the Legislature had a particular object in retaining the words, in order that the position of the workman might be changed. The effect of that was that the Committee ought to be careful to put nothing in the Bill which

would be likely to give rise to litigation. It had been said that it would be a fruitful source of litigation; and it would, he believed, probably be so. He thought, with his hon. and learned Friend, that there could be no action brought by any workman to recover, by way of compensation, so as to be successful, if he had contributed by his negligence to the injury. With regard to the decisions that had been come to on the subject, he would not trouble the Committee with them, nor with the different views that had been expressed in those decisions as to the defence on the ground of contributory negligence; their object was not to alter the present state of the law upon the subject. They wished to leave the Common Law alone; and if the words were inserted, it would only be for the purpose of declaring the Common Law, and not for the purpose of carrying it further. Therefore, it seemed to them that as their object must be to prevent litigation as far as possible, and to give employers protection in cases of injury generally, they ought to prevent both strangers and servants from recovering in all cases where there had been contributory negligence. Those words, therefore, would have no effect on the existing law if they were inserted; and, inasmuch as their insertion might be misunderstood, the Government thought it was better to omit them, so as to avoid litigation as far as possible.

SIR HENRY JACKSON said, that he was placed in rather a painful position when the Law Officers of the Crown said, on their responsibility, that such and such would be the effect of the retention of those words; for he knew that unless he could persuade them he could not persuade the Committee, and the words would be struck out. He protested against those words being left out, and he must appeal to his hon. and learned Friends. If his hon. and learned Friend would read the Common Law as it stood, he was quite satisfied that he would see that that Bill would alter the Common Law on that subject, and create a statutory liability. That would be construed by the Courts as being, as it really was, an alteration of the Common Law. By that Bill they were interfering with and altering the Common Law. It was to the effect that an employer should be liable for the acts of certain persons mentioned in the Bill, for whom he was

not liable at present. There was no connection between that and any particular law. The Judge found nothing of the same kind already in existence. He would read the 1st clause, if he might be allowed. There was a distinct enactment—

“Where after the passing of this Act, personal injury is caused to a workman, &c., &c.” Then a liability is to attach in the same way—

“As if the workman had not been a workman of nor in the service of the employer, nor engaged in his work.”

There was a statutory liability. They knew very well that, by the law at present, there was a certain defence to be found in the words under consideration—namely, that the man himself contributed to the injury which affected him. The Bill of the hon. Member for Stafford (Mr. Macdonald) contained that clause, because he wished that that matter should be left perfectly clear. As he read the enactment, there was a distinct statutory liability; but he failed to see why that immunity should only be given where the accident was contributed to by the workman himself. His hon. and learned Friend the Attorney General said that the words were inoperative. If so, they could do no harm. How could they? If they were inoperative, why leave them out? He contended that they were a safety and protection to the employer, and, therefore, ought to be left in. His hon. and learned Friend said, also, that if they were left in, they would be, probably, a fruitful source of litigation. But he contended that their absence would leave a loophole, because there should always be an *expressio unius*—the law should be within certain well-defined limits, and those limits would not be so well defined if this sub-section were omitted. Of course, it was no use to divide the Committee upon the question, or to trouble them about it, if he failed to persuade his hon. and learned Friends the Law Officers for the Crown; but he did protest against the omission of that sub-section, which, if it remained as it was, could not possibly do any harm.

SIR H. DRUMMOND WOLFF said, he hoped the Government would strike out the sub-section, for it appeared to him that it might be liable to misconstruction if it remained in. He could not, of course, pretend to discuss law with the hon. and learned Member for

Coventry (Sir Henry Jackson); but he believed that what he quoted from the end of the 1st clause was distinctly against his own argument. It said there that a workman—

"Shall have the same right to compensation and remedies against the employer as if the workmen had not been a workman of nor in the service of the employer, nor engaged in his work."

Therefore, he was placed in the condition of a stranger. But if a stranger contributed by his own negligence to injury, received from machinery or anything else, he fancied, and he said it with all deference to the hon. and learned Member, that he could not claim damages. Therefore, he was placed in that condition as regarded remedies. He trusted that the Government would strike out the sub-section for the reasons already given.

Mr. MACLIVER said, after the speech of the hon. and learned Gentleman the Member for Coventry (Sir Henry Jackson), he thought they were all puzzled to know what the law was. He thought, also, that they had had rather too much law. It began last Monday night. They had then the heavy boom from the late Attorney General, followed by the sharp artillery from that side, and the small shot from below the Gangway, and it appeared to him there had been rather too much law about, especially as the speeches had been contradictory. He saw a good many Amendments were still to be disposed of, which came principally from the employers of labour, apparently; and he thought they ought to ask the Committee to deal with the proposals of the Bill calmly and deliberately, and not to interpose unnecessarily questions which might affect not only themselves but others outside their circle. A good deal had been said about mining. No doubt, that subject was beset with difficulties. When they heard the hon. Member for Glamorganshire (Mr. Hussey Vivian) talking about the grave consequences which followed upon the distress in mining, he could not help thinking that he had failed to tell them something which should be told. Mine-owners had not always borne the brunt of those accidents; and even at the present they had gone about the country seeking help to pay the families of the sufferers by those accidents. He could

speak, from his own experience, of having been instrumental in collecting and transmitting a large amount to South Wales to meet the calamities which had happened there, by which, he believed, mineowners had been greatly benefited. He thought, with regard to the discussion of the Bill, they ought to look more at public interests than at private.

THE CHAIRMAN: I must call the attention of the hon. Member to the fact that the Committee is discussing the omission of a sub-section. The hon. Member's remarks seem to be general, and do not appear to refer to the Question before the Committee.

Mr. MACLIVER would simply say that he had intended to rise yesterday on the Amendment of the hon. Member for Bristol (Mr. Morley). He would now observe that, with regard to the Question before the Committee, he hoped as few Amendments as possible would be pressed.

Mr. GIBSON said, that no one had a greater respect for the opinion of the hon. and learned Member for Coventry (Sir Henry Jackson) than he had; but he really did not see the objection to the course taken by the Attorney General. He thought that the protection contained in the sub-section was sufficiently preserved in the previous clauses of the Bill; and the only advantage in retaining it would be that it would operate as a reminder to the County Court Judge. He really thought that, the County Court Judges of England and Ireland being capable and intelligent men, the matter might be left to them.

Mr. SERJEANT SIMON said, he wished to call attention to one point. Lord Campbell's Act had extended the law to persons who, previously, in cases where damage was shown to have resulted partly from the negligence of a person, were not able to recover.

Mr. THOMPSON said, he should like to ask the Attorney General a question. He understood that that sub-section dealt with cases where the Common Law liability existed. If so, did not the Common Law liability also apply in the 1st clause, where any defect had been shown to exist in the machinery? He understood from the hon. and learned Member for Preston (Sir John Holker) that if the Common Law liability extended in the one case, so would it in the other.



THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that Common Law liability existed in the case of an employer's negligence. The object of that Bill was to put workmen in the same position as strangers.

MR. RYLANDS said, that he must express his great regret at the change of opinion which had taken place on the Government Bench. He thought that the course the Government was then taking was one that justified the previous attempt to refer the matter to a Select Committee. He did not vote for that, because he did not wish to oppose the Government; but this was a Bill supposed to have received the most careful attention of the Law Officers of the Crown. At their last meeting, the Law Officers opposed that Amendment entirely. The hon. and learned Gentleman had shown a change of front that day, for which no sufficient justification had been shown. The hon. and learned Gentleman said—and no doubt it was so—that he wished the Bill to be so drawn that it might prevent litigation. But he (Mr. Rylands) wanted the Bill so drawn, that if it was the fact that no workman could get any compensation for an injury where he had contributed to it by his own negligence, in the interest of the workman that ought to appear upon the Bill, and ought not to be concealed. [*Cries of "Agreed!"*] He did not know what hon. Gentlemen meant. There was the hon. Member for Oldham (Mr. Lyulph Stanley) interrupting every hon. Gentleman by crying "Agreed." Was it intended that the Bill should be discussed or not? He would not dispute the law with the Attorney General; but he thought good reason had been shown why that clause should be retained, with a view of reminding County Court Judges in the way the right hon. and learned Gentleman (Mr. Gibson) had suggested, and also with a view of reminding attorneys that workmen should not be led into litigation in consequence of something which had been concealed in the Bill, without any chance of getting compensation for injury. He would say again that he believed that when a Government, dealing with a Bill of that kind, changed so suddenly, it struck at the confidence which would otherwise be reposed in their judgment in carrying on the Business of the country.

MR. GORST said, it was very desirable that the hon. Member for Burnley (Mr. Rylands) should have an opportunity of expressing his views on that subject to the Committee, and he was specially desirous to listen when he appeared in the capacity of champion of the working man. He was not very often lavish in his praises of the Government; but on that particular occasion he felt bound to say that they did not deserve those epithets of change of front, &c., which the hon. Member had employed. It was really a pure question of law. The Amendment was introduced by a lawyer—the hon. and learned Member for the Tower Hamlets (Mr. Bryce)—on the last occasion when the Bill was under consideration. The Attorney General said that he did not consider the words superfluous, and asked the Committee to retain the words. Some other hon. and learned Members had expressed an opinion that the hon. and learned Member for the Tower Hamlets was right, and that the words were unnecessary. He supposed the Attorney General, in the interval which elapsed between the last Sitting and the present one, had had an opportunity of having a conference with his hon. and learned Colleague, and had at leisure come to the conclusion that the words were unnecessary, and, therefore, should be struck out. He really thought that hon. Members opposite showed very little confidence in the Government, if they could not confide in the Law Officers with regard to such a simple matter as that. He would advise the great Party opposite not to prolong the discussion, but take the advice of the Law Officers of the Crown, and allow the words, which lawyers said were not necessary, to be struck out.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he would not detain the Committee more than a minute. Enough time, he thought, had been spent already with regard to that matter of contributory negligence. He certainly had held that it might be of advantage to retain those words, for reasons which had already been suggested; but when he came to reflect upon the matter he came to see that the disadvantage would really be greater than the advantage, and for this reason—the sub-section was an incomplete account of the whole of the law of contributory negligence. Therefore, if they

had stated part of the law, it would give rise to a discussion before the tribunals as to whether it was meant to alter the law; and, if so, to what extent, and so would lead to litigation. Therefore, although he thought that it might be advisable to keep it before the working man in that form, he felt, at the same time, that it must almost certainly give rise to controversy. Both as regarded employers and workmen, he believed it would do more harm than good, and only put difficulties in the way; and, therefore, he hoped, under the circumstances, that the Committee would consent to the words being omitted.

MR. BRYCE said, he only wished to state, in order to allay the apprehensions which seemed to exist in the minds of some of his hon. Friends, that he had not the slightest intention, in proposing to omit the sub-section, of making a difference as regarded the liability of employers. The Amendment was designed only to simplify the Bill and diminish possible litigation.

MR. THOMPSON asked, how sub-section 1 would be affected by the Common Law liability?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that it would only be affected where there was personal negligence known to exist.

*Amendment agreed to.*

MR. BARNES moved, in page 2, line 18, after "or" to leave out, "some person superior to himself," and insert, "to the person."

LORD RANDOLPH CHURCHILL wished to point out that there was an important Amendment of the hon. and learned Member for the Tower Hamlets (Mr. Bryce) on that sub-section.

SIR HENRY JACKSON said, he hoped the hon. Member for East Derbyshire (Mr. Barnes) would not press his Amendment. The truth was, that that immunity clause restricted, instead of increased, the liability of the employer. It freed from liability where the workman neglected to give information to any person. It was intended as a correlative, he believed, to the extended liability of sub-section 3 of Clause 1.

*Amendment, by leave, withdrawn.*

MR. CRAIG said, he wished to move the Amendment which stood in his name—namely, in page 2, line 19, after

"employer," to leave out to end of clause. His reason for doing so was simply this. The right to compensation depended upon the performance of a simple, but important duty. The clause was, that where a workman knew of the defect or negligence which caused his injury, he was to make it his business to give information of that defect or negligence to his employer or some other superior. It was not necessary to do that personally. He might cause it to be given—as, for instance, when two or more men were working together, it would be sufficient if one of them gave the information. That was a duty which workmen could easily understand. It was very important to owners that the information given by the workmen should be of value to prevent an accident from occurring. That ought to be the first consideration. Nothing which had a tendency to prevent the master becoming aware of the facts ought to be left in the clause. He was of opinion that the words he proposed to omit would occasion great doubt and difficulty. As soon as a workman became aware of the fact that something was wrong, he ought immediately to give information, without stopping to consider whether he had a reasonable cause to believe that the master was already aware of it or not. The clause said "reasonable cause to believe;" but he did not know how any ordinary workman was to decide what was a reasonable cause, or what was not. That difficulty might operate against the workman himself, for he might suppose that the thing was apparent, or that the employer or superior was in possession of the information, or something else which he might deem a reasonable clause, but which might not be in reality such. If an accident happened, and the case came before the jury, their view of the case he deemed reasonable might be different, and he might be deprived of his right to compensation. He begged to move his Amendment for the reasons he had stated.

MR. DODSON said, he was not disposed to assent to the Amendment of the hon. Member for North Staffordshire, and for the following reason. Those words were placed there with a view to improve the position of the workman, and if they took them away it would materially alter that. Of

course, it was rather an invidious, and perhaps a difficult, task for one in the position of a workman to state to the employer that there was a defect in the machinery, or to point out that something was wrong; but it must become doubly so if it was known, or there was reasonable cause to believe, that the employer or superior was aware that it existed. It was for the sake of saving a workman from the obligation of giving information in a case where it was not requisite to do so that the words had been inserted. For those reasons, and in the interests of the workmen themselves, he must ask the Committee to retain the words.

MR. A. P. VIVIAN said, he was sorry that the right hon. Gentleman the President of the Local Government Board had refused to accept that Amendment. He represented a constituency in which there were many mines, and he believed many of that constituency were in favour of that Amendment. For his own part, he must say that if the responsibility were not taken off the workmen in a small matter like that he did not see how small mines were to be carried on at all. He had not interfered with the second reading of the Bill, although it was one of the most unpopular Bills in districts where metalliferous mines existed, and such a district he represented. There was, no doubt, a feeling that something ought to be done in the matter; and, therefore, he had agreed to let the second reading of the Bill take place without opposition, so far as he was concerned. But he did trust that when an Amendment of such practical utility as the present one was brought forward, especially when they mentioned that it had been introduced by a Gentleman who so well understood the matter, it would receive the consideration of the Government. That was one of the Amendments which had been looked into, and approved of, by the Association of Miners in his part of the country, and he hoped that it might be accepted, so as to make the Bill as little objectionable to them as possible.

MR. EDWARD CLARKE said, he should be glad if that Amendment could be further considered by the right hon. Gentleman in charge of the Bill, inasmuch as it had been received with favour, and there were reasons urged on behalf of it on both sides of the question. From

the point of view of the workmen, it could, he thought, do no mischief if those words were rejected. There was nothing in the Amendment which defeated the object of the Bill; but it simply removed the complexity of the sub-section. Looking at the sub-section, they would see that the question to be decided, whether by a County Court Judge or a jury, was a complicated and difficult one. If the Committee would examine the words, they would see that that was so—

"If a workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer or some person superior to himself."

So far it was intelligible and simple, and an employer might reasonably say that if a workman knew of a defect that caused his injury, and did not go and tell him, that was negligence on his part, because he had no business to go on working under those circumstances. By not telling the employer he would relieve him from the responsibility, and take it upon himself by leaving the employer in the dark. But it was possible that, as against the employer, the workmen might say, as the clause stood—"I knew of that defect, or negligence on the part of that superior; but I said nothing about it, either to you or the person over me, waiting for a reasonable time to elapse, believing that you would become aware of the fact." That would, he believed, put a serious burden on the employer, and raise a very difficult question. Compassion had, no doubt, a very great deal to do with the result of an action. Juries would no doubt, often go against the employer, believing that the workmen had reasonable cause for compensation. His opinion was that if the workmen knew of the defect or negligence and did not take the trouble to tell the employer, or his representative, the employer should not be liable. For those reasons, he hoped that the words would be expunged from the sub-section, and particularly as they seemed to introduce needless complexity. He believed they might well be omitted.

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, he entirely agreed as to the importance of the first part of the sub-section; but he thought, also, that the second portion was almost equally important. Some such pro-

vision was absolutely necessary. For instance, a workman saw a fellow-workman call the attention of the employer to a defect, or a group of workmen might see it. Was every one of those men to be debarred, unless they all went separately to tell the employer? They were aware that the master knew of it, for they had seen his attention called to it. If some such words were not used they could not recover against the employer. Surely, neither employers nor employed would desire such a state of things to exist as that. Therefore, they must have something to show that if they had grounds for supposing the employer knew of it, it would not be necessary to go and tell him. It was certainly absurd that the men should be compelled to go and tell the master over and over again, when they knew beforehand that he was already aware of it. The hon. and learned Member for Plymouth (Mr. E. Clarke) said "No." But if those words were left out, then the men would be obliged to do so, or be debarred from recovering. That information was to be given within a reasonable time. That might mean six months, perhaps, or any other time. As soon as possible after the man knew of the defect, of course it would be his duty to communicate it. But if the man knew that the master was aware of it, still, according to his hon. and learned Friend opposite, if he did not communicate it, then just in the same way he was to be debarred. He could not suggest any other words which he believed would equally well meet the case, and therefore he trusted that they would be allowed to remain in the sub-section.

MR. GORST said, that his hon. and learned Friend the Member for Plymouth (Mr. E. Clarke) was, no doubt, actuated by a desire to benefit the working classes, when he suggested what he believed would be a simplification of the wording of the sub-section. But, by the clear exposition which they had just heard from the Solicitor General, the consequence of such a change was pointed out—that in every workshop everyone would have to give notice to the employer, when any defect in the machinery or negligence on the part of anyone was going on. Would that conduce to discipline and good order? A whole string of workpeople would be going up, giving formal notice of defects

in machinery, or anything else, in order to bring themselves within the clause. That would be the effect, if the clause were passed in the form suggested by the hon. and learned Member for Plymouth. He did not know whether better words than those of the sub-section might not be proposed; but, at any rate, they should not adopt the suggestion of the hon. and learned Member for Plymouth unless they wished to create confusion in the factories and workshops of the country.

MR. J. W. PEASE said, he fully understood the remarks which fell from the Solicitor General. Had it not been for them he should have supported the suggestion of the hon. and learned Member for Plymouth; but he thought the point one which might be further guarded by words on Report.

SIR HENRY JACKSON said, he quite appreciated the hypothetical case given by the Solicitor General; but, at the same time, he thought the sub-section would not do in its present form. If the Government would consider all that had been said, and vary the terms on Report, it might stop further discussion. The objection to the words pointed out by the hon. and learned Gentleman opposite (Mr. E. Clarke) was quite a fair one. His notion was, that that clause might be amended by omitting the words suggested by the hon. Member for North Staffordshire (Mr. Oraig), and for this reason—that the object of the Act might be evaded if a workman knew of a defect, but knew also that another had told the employer, because that was not giving, or causing to be given, information. It appeared to him that a workman on that hypothesis might be aware of those facts, and yet run a risk of losing the right to compensation in case of injury. That ought not to be the position of workmen by any means; and, therefore, he hoped that the Government would accede to the proposal he had made. He would not propose any alteration then; but the sub-section might be re-cast, by which they would get rid of the obvious impropriety of allowing a man to go on in such a way that, by a mere technicality, he should lose his right to compensation.

SIR HENRY HOLLAND said, he had observed that the Solicitor General had not laid stress upon the words

"within a reasonable time." It appeared to him that if a man knew of a defect, and brought it to the notice of an employer, and then an action were brought, if it were alleged that he had not given notice, he would have to show that he had done so within a reasonable time. He was inclined to lay more stress upon those words than the Solicitor General did. If the Government would be willing to alter the words at the end of the clause, as had been proposed, he would suggest something of this kind—

"Unless where such defect or negligence had been brought to the notice of the employer or such superior."

MR. DODSON said, that when his hon. Friend had risen, he was about to state to the Committee that, having heard the criticism on the form of the words, he was ready to consider the matter on Report, with a view of meeting the views of hon. Members, while adhering to the substance of the sub-section.

MR. BROADHURST said, that as the Government had consented to re-cast the sub-section, he did sincerely hope that they would not weaken the intention conveyed in the sentence proposed to be omitted by the hon. Member for North Staffordshire (Mr. Craig), which he considered was absolutely necessary. The hon. and learned Gentleman the Member for Plymouth (Mr. E. Clarke) had not, he apprehended, been recently employed in the modern mode of conducting large works. Under the present system of conducting business, the men were not allowed to meddle or tamper with the managers or foremen. The discipline was, in fact, as strict as it was in the Army or Navy. ["Oh, oh!"] He was giving them his own experience of work. The rules were very strict, and it was necessary that they should be so. He was not finding fault with that. If a workman pointed out every little defect, he would certainly not remain in that employment many days.

MR. HUSSEY VIVIAN wished to point out to the hon. Member who had just spoken, a portion of a speech made by Mr. Brison at a meeting held in the North of England. Mr. Brison, no doubt, thoroughly represented the men, and was the Chairman of the North-umbrian Miners' Association. He said, with reference to that matter—

*Sir Henry Holland*

"That if there was anything wrong in the pit which rendered any part dangerous, what was the result? The men working where the danger was, instead of simply complaining, called the attention of the colliers to the fact, and the matter was taken up by the whole of the men employed. Notice was given to the overman, and, failing to make safe that part, they proceeded to the owner, and if they failed then to obtain redress they took the matter in their own hands, and stopped the pit."

There was no necessity, he thought, to encourage men to give notice of the danger. All they ought to be anxious to do should be to prevent that kind of evidence to which he believed lawyers so much objected—namely, hearsay evidence. If a man, knowing that a danger existed, refrained from giving notice because he had heard it said that somebody had complained to the employer, that ought not to be sufficient. They should make it absolutely clear that proper notice must be given to the owner of the existence of danger. There should be no ambiguity in that clause at all. His anxiety was, so far as possible, to make it perfectly clear, so that no question should arise on the point between masters and men. He feared that words so ambiguous as those employed might lead to that; and, therefore, he was very glad to hear of the undertaking of his right hon. Friend (Mr. Dodson) that, on Report, he would improve the wording of the sub-section. He hoped that discussion would then cease; and he hoped that such words would be inserted on Report as not to relieve a workman from the responsibility of communicating the information, unless he was perfectly certain that the master was aware of the defect.

MR. COHEN said, that he had listened to the arguments of the Solicitor General, and he believed that it would be extremely unjust to the workman that those words should be left out. He would suggest to the Government that, perhaps, it would be wise to make use of words which were in the Merchant Shipping Act—namely, the words "without justifiable cause." He believed that would do justice to all parties. If the workman had justifiable cause for not mentioning the matter to the employer, then he ought to be able to recover. Suppose an employer told a man that if he made complaints of defects in machinery, he would dismiss

It was useless, he believed, to

leave such a matter as that entirely in the hands of the tribunals, and he believed that the words he had suggested, if inserted, would meet the case. In certain cases, then, a man would be relieved from the responsibility of communicating the information.

An hon. MEMBER said, that whatever the Chairman of the Northumberland Miners' Association might say, what had been quoted from his speech by the hon. Member for Glamorganshire (Mr. Hussey Vivian) did not apply all over the country. He himself had had considerable experience of collieries in Wales, and he knew that the men dare not say if there was danger in the pit; they would be told that it was no business of theirs. He thought that the words at the end of the clause were absolutely necessary; and he, therefore, trusted that if any change was to be made in them, the Government would take care that the meaning be retained.

MR. ILLINGWORTH said, he should like to point out to the hon. Member for Stoke (Mr. Broadhurst) that, as the clause now stood, it was necessary for a workman, when aware of a defect, to make the communication. It was only the last portion of it about which the difficulty had arisen. He did not know, of course, what was the rule in all the mining districts; but it did appear to him that it would probably be the same almost everywhere as it was in Northumberland, and that notice would be given and repeated by the workmen, rather than run the risk of losing the compensation danger, the existence of which risk they were aware of. It was quite possible that there were extreme cases, where miners would be afraid to tell the employers; but all he could say was that, from his knowledge of Welsh miners, nothing was easier than for them to make representations to a superior, or to bring a matter of so important a nature to the knowledge of the master in many ways. On the other hand, there were numberless cases when it would be grossly unjust to assume that the employer was aware of every defect, and when, therefore, the responsibility must rest on the workmen for the consequences, if they refused to communicate the facts to his knowledge. Further, it occurred to him that, although it was not desirable to omit the words alto-

gether, it was necessary that the subsection should be re-cast.

*Amendment negatived.*

MR. ROBERTSON said, that he begged to move to add the following sub-section at the end of the clause—

“(5.) As to mines. In any case where the workman in any mine at the time of the injury had become a member of or joined an assurance or provident society, duly certified under the Friendly Societies Acts, and established at or in connection with such mine, and in and by which society the workman was insured against personal injury, and provision made for his dependent relatives in case of a fatal accident, by the contributions of the employer and the workmen in proportions fixed by the code of rules of such society.”

He would call the attention of the Committee to the effect of this sub-clause as regarded mines. It was generally admitted, he believed, in the House, as well as out of it, that mines required special legislation. This was so far the case at present, that mineowners and those engaged in the mine were under special liabilities which, so far as he was aware, was not the case with regard to any other industry. In addition to that, there were dangers which did not affect other employers. Some hon. Members had spoken upon this subject as if it were intended to make mineowners responsible for all accidents which might happen. No doubt, those Gentlemen might be well informed with regard to the risks of manufacturing industry; but they could not know the dangers and necessary precautions which were required in the case of mines. He was himself engaged in manufacturing operations, and, to a certain extent, had been so engaged for the last 24 years. He was a partner in works which employed upwards of 2,000 men; but, so far as the effect of this Act went, it would really make very little difference with regard to them. The same was the case with regard to many other industries; but with regard to mines, he would draw the attention of the Committee to this fact that, whatever the law now was, it was well known and had been known for the last 40 years. A well known case, to which reference had been made, had made employers fully aware of the liability which they were under to their workmen. With that full knowledge of the risks to be run, very large and expensive investments of

capital had been made in mines. He might say that, perhaps, the produce of the mines of this country exceeded £16,000,000 a-year in value. In dealing with industries upon so extensive a scale, and which contributed so large a part to the nation's wealth, it was well to consider how far, and in what way, such an industry would be affected. There could be no doubt that the obligations imposed upon mineowners by this Act would very largely alter their liabilities. If there was negligence, the mineowner was liable to compensation to the men for each accident. Not only was he liable, at one sweep, to lose the whole of his property—and what he, perhaps, valued as largely, the men with whom he had been connected in working, and who, by a common fatality, met their deaths—but he was also to be liable for immense sums to the relatives of those persons. He thought it would be well if a means could be found of reconciling the interests of those engaged in mining and the employer; and if that could be done by this Act, all parties would cheerfully and readily acquiesce. He believed that there was one plan under which this Act could be made so workable, and would so provide that the employer and the employed should each be contented. If they wished to keep up that full and mutual assistance and reliance between the workpeople and their employers, they should endeavour to promote a system of mutual assurance which would prevent a feeling of irritation between employers and employed, and which would take away that endless litigation which everyone looked to with appalling interest in connection with this measure. By a system of assurance this could be carried out; and he wished the Act to provide that if such a system were carried out then, so far as that provided for compensation for the workman, the employer should be exempted from liability under the Act. He would ask the Government to consider how far the clause he had moved would carry that object into effect. He did not propose that this should be more than voluntary, or that it should be compulsory. He simply wished to provide that employers and employed, who wished to do so, might concur in a system of mutual assurance, by which they would not be subjected to the provisions of the Bill. One quar-

ter of the whole number of miners in the country were now members of such societies as those provided for under this sub-section. If the Amendment were adopted, he thought that it would do away with a large amount of irritation, and that it would accomplish a great deal of good. No doubt, he should be told that the Bill did not prevent any such system of assurance. But he thought that it was necessary to provide in the Bill that, by concurring in such a system of mutual assurance, the employer should be exempted from liability. The right hon. Gentleman the Prime Minister had stated that he should be glad to see a system of assurance carried out. But they feared that this Bill would only operate to prevent assurance, if carried in its present state. A man would say that, as this Act gave him compensation whenever an accident was the result of negligence, he would not join one of these societies, but would rather take his chance of obtaining compensation under the Act. At the present time, the miners had their own societies, which were under the control of their own leaders. If this Bill were passed, there would be an excuse to them for not joining these societies; and it was necessary to have some such Amendment as he had proposed to prevent that occurring.

SIR HENRY JACKSON said, he thought the Committee was much indebted to the hon. Member for the able speech in which he had brought forward this proposal. It had occurred to him that this was, perhaps, by no means a happy point in the Bill at which to raise the question of assurance. He made that observation, because, when he looked at the magnitude of this assurance question, he thought it would facilitate the discussion of the proposal if his hon. Friend would not raise a discussion then, but would wait until the proposal had been made for fixing the amount of maximum compensation. He hoped the Government would endorse the suggestion he had made, because they could not deny that this assurance question was one of vital importance. He believed that if the principle of assurance could be carried, three-fourths of the dread with which the Bill was now viewed would be removed. When the Committee came to discuss the proposal of the hon. Member for East

Derbyshire (Mr. Barnes), to fix the maximum sum for the workmen's compensation, they would be in a better position than they now were to discuss the question of assurance. It was first necessary, however, to arrive at a decision upon that head; and he should, therefore, suggest that the present Amendment should be withdrawn, until they could deal with the question of assurance as a whole.

MR. DODSON said, that he wished to endorse the appeal of the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson). He thought it would be far better, and also for the sake of convenience, that the subject of assurance should be discussed on a substantive clause providing for it, rather than as an Amendment in the form of a sub-section to a clause. There was no desire, or intention, on the part of Her Majesty's Government to shrink from a full discussion upon this subject; but he felt that the course recommended by the hon. and learned Member for Coventry was that which it would be more convenient to take.

MR. ROBERTSON said, that, after the appeal that had been made to him, he should be happy to withdraw his Amendment.

MR. H. H. FOWLER said, that the two hon. Members who had last spoken had, with considerable fairness, stated that they represented the employers on this question. He did not think that any hon. Member had a larger number of miners among his constituents than he had. He wished it to be clearly understood that the question of assurance, so far as the mining operatives were concerned, would be strongly and strenuously resisted. He hoped the Government would not give way upon this subject. This clause, which was going to be withdrawn, would be, practically, a means of inflicting a penalty on every prudent miner who insured in a provident society. But if, in the interests of the mineowners and of the mine workers, the Government could see their way to some means of recognizing the Coal Mines Regulation Act, and exempting mineowners from liability where the provisions of that Act were fully carried out, he thought it would be doing justice to all concerned. He would tell the hon. and learned Baronet the Member for Coventry (Sir Henry Jackson), how-

ever, that any attempt to deprive the men of their legitimate right of compensation, by any system of compulsory assurance, would meet with very strenuous opposition.

MR. NEWDEGATE said, that the amount of compensation which might become due under this Bill was so enormous, that it could not be excluded from consideration in dealing with this subject. To take the case of the lamentable explosion at the Risca Colliery; if it could be proved there, that it happened through the negligence of any person employed in the mine, then, under the operation of this Bill, the owners would become liable for an enormous amount of compensation. He had been told by a competent authority that the amount for which the owners would have been liable in that case would not have been less than £28,000. This was an amount of penalty which was perfectly absurd; and if they meant to ensure compensation to any adequate amount to the miners, and to combine it with proper restraint of negligence, he, as a practical man, did not see how they could accomplish those objects without some system of assurance. He did not believe it would be practicable to inflict penalties of a perfectly exorbitant and ruinous nature upon persons who would have to suffer by the fault of those in their employ whom they had trusted. Therefore, he was strongly of opinion that, if the object of combining compensation for injuries with some restraint against negligence was to be carried out, it could not be done without some system of assurance.

MR. BRADLAUGH said, that he was present at a meeting on Durham Race Course. Between 40,000 and 50,000 miners of Durham, on Saturday, unanimously endorsed the principles of that Bill, but, at the same time, unanimously declared their hostility to any clause which would put upon them a system of compulsory assurance. The effect of the clause which was now proposed would be that if a man assured at all he should have no benefit under the Act.

Amendment, by leave, *withdrawn*.

MR. HORACE DAVEY said, that he begged to move an Amendment which stood in the name of his hon. and learned Friend the Member for Staffordshire (Mr. Staveley Hill), in page 2, at



the end of the clause, to insert, as a new paragraph—

"Provided always, and except in the cases and to the extent in this Act expressly provided for, nothing in this Act shall affect any rule of law relating to negligence, or to common employment, or to risk incident to a contract or employment."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that he thought the Committee would not accept the Amendment, as it was quite unnecessary.

Amendment, by leave, *withdrawn*.

COLONEL BARNE said, that he begged to move a new sub-section at the end of the clause. It was—

"Where the injury for which damage is claimed occurs through the drunkenness of such superior person, such superior person only shall be liable."

There was no doubt that even the most superior person might, at some time or other, get drunk. Many cases might happen in which, if this clause were inserted, a man would be liable to one servant through the negligence of another.

Mr. DODSON said, that he thought the Committee would not accept the Amendment.

Mr. WARTON said, that he thought it would be a very useful moral lesson against drunkenness.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Clause 3 (Limit of sum recoverable as compensation).

Mr. HORACE DAVEY said, that the next Amendment which he had to move, on behalf of his hon. and learned Friend the Member for Staffordshire (Mr. Staveley Hill), was one to which he did not think there could be any objection. Clause 3 provided—

"The amount of compensation recoverable for personal injury to a workman under this Act shall not exceed such a sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade employed during those years in the like employment and in the district in which the workman is employed at the time of the injury."

That was intended to include the case of compensation payable to the legal personal representative of the workman in case of death; but he did not think that

that would be the true construction of the Bill. It would simplify this clause very much if the Amendment of his hon. and learned Friend were adopted, and the words "personal injury to a workman" were left out of the clause. It would then read "the amount of compensation recoverable under this Act in any action brought." He could quite understand that it might be said that the clause, as it stood, did not apply in the case of an injury resulting in death. He begged to move, in page 2, lines 22 and 23, to leave out "for personal injury to a workman."

Mr. DODSON said, that he had no objection to leave out those words.

Amendment *agreed to*.

Mr. BARNES said, that if this clause were not amended, he ventured to say that there would be hardly a case of action brought in which it would not be almost impossible, or, at all events, very difficult, to find out what a man had received for three years. With the object of preventing litigation, he ventured to propose his Amendment, which fixed the sum to be paid as compensation at a sum not exceeding £100. Another advantage of adopting his Amendment would be that it would place the employer in such a position that he could insure himself. He would know exactly what his liability would be, and he would have a chance, by insurance, of relieving himself from it. He begged to move—

In page 2, line 23, after "exceed," to leave out to the end of the clause, and to insert "the sum of one hundred pounds; but nothing in this Act shall be construed as implying that the compensation ought in any case to amount to that sum."—(*Mr. Barnes*.)

SIR HENRY JACKSON said, that he did most earnestly recommend the principle of this Amendment to the favourable consideration of the Committee. He did not mean to say that the figure named by the hon. Member should necessarily be adopted, although it seemed not unreasonable, and there was a great weight of authority in its favour. But he would rather increase the figure, if that would induce Her Majesty's Government to lend a more favourable ear to the proposal. The mining interest was most to be considered in this matter, and he would

briefly state the ground on which the principle of fixing some maximum sum commended itself to his mind. When he saw the course the discussion had taken in the Committee, and how very few in number were the advocates of the claims of the employers in that House, he thought the Committee would indulge him for a short time while he endeavoured to state the principle on which the fixing of the maximum sum was to be recommended. By this Act the liability of the owners of dangerous property were to be enormously increased. Millions of capital had been invested for the benefit of the community in coal mining and other enterprises; that capital had been productive of good to every class of the community—amongst others, he would venture to say, to the working men themselves. That capital had been invested on the faith of the existing law, upon which all the relations of the employers and employed had, up to the present time, been constituted and established. Urged by what the Government had considered a public necessity, and what he himself deemed, after the experience of the debates in that Committee, to have been an urgent public demand, the Government had thought it necessary to impose upon the capitalists engaged in those industrial enterprises this additional weight. Employers must submit; but it would be necessary to look to the consequences. Those hon. Members who, representing what they called the working man's point of view in this question; although he repudiated the idea that any one particular Member of that House represented the working man more than another; and he maintained that it was their common duty to consider the interest—not of any one class, but of all classes—he would appeal to those hon. Gentlemen who asserted that they represented the interests of the working classes to consider what would be the consequences to capitalists of this Bill. By this Bill, instead of the liability attaching to the employer only by his neglect, he was made responsible for the neglect of men in his employment. That would be done in the most dangerous trades, down to a very humble grade. Therefore, the capitalist was put in this position—that an accident might happen for which he was in no way morally responsible which, under this

legislation, might impose upon him, in addition to the loss of his capital, a liability which might mean absolute ruin. They had lately had the sad experience of the Risca disaster. Up to this moment it had not been determined—and it, probably, would never be determined—what was the exact cause of that calamity; but it might have been caused by the neglect of some person in authority a little higher in knowledge than the working man himself; and what would have been the consequence of that negligence under the provisions of this Bill? One hundred and twelve lives had been lost by that explosion. The feeling that such a loss had happened in an enterprise for the profit of any individual would almost be enough to break the heart of the man for whom these colliers were working; and he could imagine nothing more terrible or painful than the feeling of the employer of labour, when he realized that in his employment, and for his profit, such a terrible accident had occurred. If that man was responsible, through neglect, or parsimony, or recklessness, for that disaster, there was no punishment too heavy for him. His conviction was that there was no such thing as a preventible accident. He believed every preventible accident to be a crime. But it must also be recognized that some accidents were not preventible. He appealed to every man who knew anything of this particular industry—to scientific men, and to the knowledge of the Government from their official Reports—whether it was possible totally to prevent accidents in mines; or, as another illustration, accidents at sea? Were there not industries, the necessary and essential conditions of which involved a certain percentage of accidents? They might, by legislation, reduce that percentage to a minimum; and by the Mines Regulation Act they had subjected employers to a supervision which was considered adequate. If it were not adequate, then he would say, in God's name, make it more so, as soon as possible, by making every possible provision. But after all that had been done, after every provision that had been made, it still remained certain that there must be accidents. That was the true answer to the observations of the hon. Member for Northampton, who said that when they were speaking of the consequences to the employers they

should also remember the consequences to the widows and orphans. No man, with a heart in his breast, could think of anything but those widows when he heard of an accident. He would gladly see them provided for; and he hoped, out of the assurance clause which they would presently have to pass, efficient means of consoling those poor people in their terrible calamity would be provided. But why, when an accident was inevitable, was the burden to be thrown from one set of shoulders to another? What was the practical result? By the clause of his hon. Friend the Member for East Derbyshire (Mr. Barnes), supposing this Risca explosion, for instance, were brought home to the owner, he would have to pay £100 for each man actually killed, or £11,200 in all. But they knew very well that there were many collieries which employed more than 112 men in each pit; and he did not think he was over-stepping the mark when he said that there were many collieries which employed in one shaft at one time nearly 1,000 men. Of course, if the accident did not happen from negligence, or from a breach of the statutory conditions, the employer was not liable. He never forgot that, and it was always present to his mind throughout the whole of his argument. But he maintained that there were many accidents in which the owner was just as innocent as if he had done nothing at all; yet, through the negligence of one of his servants, although there might not be the least moral liability, the workmen would still be able to recover damages from him, which would, practically, have almost the effect of ruining him. He was quite aware that the capitalist was not an object of consideration with the House. He had never heard him alluded to except with sneers or contemptuous pity. ["No, no!"] He had never heard anything said with regard to capitalists except observations as to their greediness, timidity, and the like; yet the House, notwithstanding those feelings, ought to be careful before it subjected them to legislation which might produce their entire ruin. Such a result would not benefit either the community or the working men. He knew he had troubled the Committee with a long exordium; but he felt so strongly on this point that he really was obliged to urge everything that could be said in favour of this pro-

position, which, in his mind, was the key of the whole Bill. They had now got to this point—that the mineowner might any morning find himself, without his will and against his power, involved in a statutory liability exceeding the whole amount of his fortune. The Committee ought to do what it could to reduce those evil consequences, and the only way was to let the mineowner know what the maximum amount was for which he would have to provide in case of an accident. They could only do that by putting some maximum sum into this Bill beyond which the mineowner could not, under any circumstances, be called upon to pay. Let them name any sum they pleased—£100, or £150, or even £200—and the mineowner would then endeavour to meet his liability by means of assurance companies. But if there were no maximum, the owner would be left at the mercy of the present clause in the Bill. The principle of limitation was quite right, for the Government felt that this liability ought not to be unlimited. Their suggestion bore every mark of amiable consideration; but, at the same time, it was deficient in practicability of application. The clause provided that the amount paid to the workman was to be equivalent to his estimated earnings during the three years preceding the injury of a person in the same grade. What was the meaning of the word "grade?" And let them think of the County Court lawyers, and how they would rejoice over the interpretation of this clause. He said, without hesitation, that that clause carried the largest and widest amount of litigation that he ever saw in any Bill. They might, by accepting his Amendment, give the owner the means of ascertaining what amount of compensation he would be liable to at the worst. But this clause, as it at present stood, did nothing of that kind. The fluctuations in the rates of wages were tremendous. It was notorious that men in the mining districts who, three years ago, were earning £4 or £5 per week, were now scarcely able to earn 25s., let them be ever so industrious. Then there were the men who were out on strike, and the innumerable other contingencies which would have to be taken into consideration, complicating the matter so much that he would defy any man to construe that clause and to declare what

*Sir Henry Jackson*

the maximum amount should be. He did not dispute the principle that lay at the back of it. His own experience was that three years of a man's average earnings was, in principle, by no means an unfair scale to fix. He did not know that he could himself fix a better scale than three years' earnings; but he did think it would be better that they should state an amount on which those earnings should be valued. His hon. Friend had suggested £100 as the maximum. Now, he thought, taking one year with another, that £1 a-week would be a fair and just wage of the labouring classes for whom this Bill was intended. He would, however, ask his hon. Friend the Member for Stoke (Mr. Broadhurst) to tell them exactly what the amount should be. If he said £100 was not enough, he would bow to his judgment, because he knew much better than he did what it should be; but he hoped his hon. Friend would help them to say what the limit should be. He did not care at all what the amount was, so that the employer did know, when the Bill passed, what was the possible worst that could befall him, and so be able to make himself safe against it. The Bill was not to come into effect until next January; and it might be that, in the interval, assurance companies would be established to protect owners from these risks. He hoped it might be so, for he knew no companies which at the present time could do that. But if there were no maximum amount put in the Bill, how could any owner sit down and calculate what would be his liability under the Bill, so as to fix a rate of premium at which these risks should be undertaken? Let the Government fix a sum that would be the worst, and then owners could provide against the evil by an adequate system of assurance. But if they left the Bill as it was drawn, he would defy any man to arrive at an adequate conclusion on the subject. Owners would, consequently, be put into terrible peril until they could find what the incidence of risk was. His hon. Friend (Mr. Craig) had brought out some very startling figures on this point; but he did not think, at present, he had established his figures as correct, and, until the truth of those figures was established, his observation remained that individual owners, no matter what the general average might be, were in a

very unsatisfactory position. By inserting a fixed sum in the Bill, also, the temptation to litigation would be removed, and the Bill would be made as palatable to owners as it could possibly be made. He had heard it said that, by fixing a maximum, they invited people to claim compensation at that rate. Those interested would rather run the risk even of that than not have a maximum inserted in the Bill. That observation also would just as much apply to the maximum proposed by the Government as the fixed sum which he wished to have. The alteration he asked the Committee to make was quite consistent with the principle of the Bill. It was perfectly just to the working classes; it would be an advantage to owners; it would much facilitate the operation of the Bill; while it would go far towards removing the extreme anxiety and dread which many large interests undoubtedly did entertain in regard to the passing of this measure.

MR. J. K. CROSS said, the hon. and learned Baronet who had just sat down had declared that capitalists regarded this Bill with great anxiety. He was himself a very large employer of labour, but he was not at all afraid of anything Parliament might do; and he wished to say that the hon. and learned Baronet was not quite accurate in declaring that nobody could assess the amount of responsibility which the Bill would place upon employers. He was not quite sure that he could exactly assess the responsibility of employers, because, at the present time, he was not sure how far the Government meant to go in accepting the Amendment of the hon. Member for Bristol (Mr. S. Morley); but, if he did not know that, he could tell almost exactly what responsibility would be placed upon employers by this Bill. For the purpose, however, of his argument, he would take the utmost responsibility which Parliament, in its wisdom, or in the supreme moments of its folly, and with all the energy of youthful inexperience upon it, could impose on the employer. They had, in the Records of that House, and in the statistics of the Mining Associations of Northumberland, Durham, and Lancashire, so many statistics with regard to the accidents in coal mines, that they had very trustworthy data to go upon. If they were to take the whole number of accidents which had occurred in those

mines during a given period, and were to assess the amount of compensation which would be sufficient for each of those accidents, and then multiply them together, they would get the aggregate amount of compensation required, and also the average amount necessary. He assumed, also, that they could, by going into the statistics of other trades, arrive at what the liability would be under similar circumstances. He could speak for himself in regard to the cotton trade. He was himself very largely engaged in that trade, and was, probably, more dependent on the equable working of capital and labour than any other Member of that House; and he was prepared to say that the utmost liability which could be imposed upon an employer in the cotton trade would not exceed one-fifth of 1 per cent of the wages paid. That was even supposing an employer accepted liability for all accidents, whether they arose from carelessness of the sufferer or otherwise. If, however, the Government minimized the responsibility in the way it proposed to do, he did not think the burden would be very hard to bear. It had been said by a number of speakers that, with regard to the coal trade, only one-fourth of the accidents which occurred would come under the scope of that Bill. But, for his part, he did not believe it would be anything like that proportion; for his opinion was that certainly much more than four-fifths of the accidents were due to the negligence of those injured. If, then, they divided the total responsibility by four, they would fairly get the full responsibility imposed on employers by the provisions of this Bill. The hon. Member for North Staffordshire (Mr. Craig), in assuming the responsibility put on employers, estimated it at 6-10ths of 1d. per ton. He would rather prefer to take it as a percentage on the wages paid. He was himself connected with a colliery in which 2,400 men and 900 boys were employed; and he said, without hesitation, that a sum equal to 1½ per cent of the wages paid, laid aside, and accumulated into a reserve fund, would amply compensate for any accident, whether it arose from the negligence of the employer, or his foreman, or from the carelessness of the employed, or from any other cause whatever. Dividing that into four parts, the measure of responsibility laid upon the employer by this Bill was less than

3-8ths of £1 per cent, or about 7s. 6d. If they took the iron trade, they would find that compensation for all accidents would not be more than 15s. per cent, and that only 1-5th of those accidents came under this Bill, because 4-5ths of them were, so far as he could find, in no way within the scope of the measure. Surely 1-5th of 15s. per cent on the wages paid was not a very large sum for the employers to bear. In the trade to which he belonged—the cotton trade—and in which he was very largely interested, they minimized their risk to an exceedingly small amount. He wished to assure the hon. and learned Member for Coventry, who thought this responsibility was something more than employers would be able to bear, that he was taking a very fearful view of the case. Hon. Members, he noticed, were smiling at his idea of averages; but smiles, nevertheless, would not destroy arguments based upon facts. He was sure, also, that if the utmost liability were imposed, that companies would spring up, as they had done in Germany and Switzerland, which would accept these liabilities at very small sums indeed; and the result would be that everyone employed in industrial occupations would secure himself from liability by assurance at so small a rate that none of the employers would object to it. This question of assurance, though it had been proposed by several hon. Members, had not received any support from the Government. He did not ask that it should, for he did not, in the least, believe in compulsory assurance; but, still, he thought, that if employers had power to insure the workmen, it would be better. He had been told that they had not at present that power. He did not know whether that was so or not; but he surely thought they should be able to protect themselves and their workmen from any accidents which might possibly happen after the passing of this Bill. The hon. Member for Staffordshire (Mr. Craig) had defined assurance as a licence to commit murder. It was no more a licence to commit murder than a fire insurance was a licence to burn down their house.

THE CHAIRMAN: Order, Order! It will be very difficult to discuss this Amendment, if we are also to discuss other large questions which are not connected with it.

MR. J. K. CROSS begged pardon. He had understood that the whole question of assurance was to be discussed on this Amendment. But with regard to the suggestion that the compensation should be limited to £100, it seemed to him to be utterly inadequate. He was inclined to advocate that a certain limit should be put on the compensation given; because, if it was altogether unlimited, the liability would be so uncertain, and it would be very troublesome to fix the sum against which the employer could insure. He knew of a case in his own neighbourhood, in which two young men put their capital, amounting to £9,000 or £10,000, into a colliery, and they borrowed in addition to this. After being at work a short time, they had an explosion, which caused a number of deaths. If, under this Bill, they had had to compensate directly those who were killed through the negligence of any foreman, there could not be any possibility of raising the money which would be necessary, even on the security of the whole of their interests in the colliery. But if an amount were fixed, for which the employers would be liable, the colliery owner would be able to insure against it; and, by so doing, the workmen would be sure that in any case if an accident happened the compensation to which they were entitled would be forthcoming. It was, therefore, exceedingly desirable that this question of limit should be well ventilated and thoroughly understood. He did not, at the same time, understand that there was any claim, even from the working men themselves, for a system of compulsory assurance. Again, if there was no limit, how was the damage done to be assessed? If a young unmarried man with no family was killed, he assumed that the damage would be assessed at a small amount; while if it was a married man with a large family, another amount, comparatively large, would be awarded. If, for instance, a guard upon a railway was to be compensated in the same way as a passenger, the Committee must consider at length whether that guard was married or single, because that would make all the difference in the world. Supposing two guards were killed, both of the same age, one married and one single; would the compensation be assessed at different amounts, or the same amounts? He hoped the Govern-

ment would accept a maximum limit of £200 or £250, because then an employer would be able to protect himself, and the poor employer could guarantee to his workmen the amount of compensation which was given by this Bill.

MR. BROADHURST begged the Government not to accept this Amendment. No doubt, it would be exceedingly convenient for the capitalists if a money limit was put on their liability; but the hon. and learned Member for Coventry (Sir Henry Jackson) had said that they were not there to consider the defence of a class, or the special interests of certain men, but to do justice to the whole nation, without studying the special privileges of a few. That assertion answered and thoroughly disposed of the latter part of the hon. and learned Baronet's speech. For his part, he thought the logical course would be to omit the clause altogether; and he held in his hand a Petition from the Convention of the Royal and Parliamentary boroughs of Scotland, asking the House to do that; because, otherwise, the Bill would weaken the law of Scotland as it at present existed, and do the Scotch people great injustice and injury. Then, again, with regard to many limitations. It had always been the complaint of employers that certain classes of organized workmen demanded that labour should always be put at one rate of wages; but the charge was not true. Yet hon. Members, who started this Amendment, actually proposed to value all men at precisely one sum. ["No, no!"] Well, it was no use saying that, when the Amendment provided that no man should claim compensation beyond a certain sum. By that they did limit the value of every man to a certain sum. He had been asked if £1 a-week would not be a fair average of a workman's wages? It would be, perhaps, correct if they classed the whole of the working classes together—the crossing-sweeper with the highly-skilled mechanic, or the working artist. But the hon. and learned Baronet himself had strongly disclaimed against these general averages; and, for himself, he (Mr. Broadhurst) altogether repudiated being averaged with people who earned much lower wages. Was it common sense or justice to say that the labouring man, who was earning 10s. or 14s. a-week, should have compensation up to £150—and for him that was a pretty liberal

proposition as an unskilled labourer, compared with what it would be for the artisan—and that the highly-skilled engineer or working artist, who earned £3 or £4 per week, should be also limited to £150 as the measure of his compensation? Such a proposition was altogether illogical and unjust. They did not limit the compensation to any other class of people except working men. If the principle was good, let the hon. and learned Baronet introduce a Bill to limit the amount of compensation that the travelling public could claim in railway accidents, and then bring the cases of working men under this Bill within the scope of that general law. What he objected to was special legislation for working men. He, and the class he represented, never asked for special favours in legislation, and they equally objected to special exclusion from just laws. He hoped the Government would not listen to this Amendment, although very interesting, and moderate, and well-argued speeches had been made in its support. He was certain that now nothing further could be said in its favour—and that was not saying a great deal, if the Committee would permit him the liberty of making that observation—and, therefore, he hoped they would now take a division.

MR. BIDDLE said, as an employer of men earning a low rate of wages, he was quite satisfied with a maximum of £100; but, at the same time, he thought the only fair way of fixing the limit was to compensate men according to the loss of time they were likely to suffer. He could not, for a moment, think it fair that labourers on his farm should have the same compensation as skilled artisans. Of course, if the £100 was accepted as a maximum, he would say nothing more; but, for his part, logically, he felt that the compensation should merely be based on the wages of the workmen. It was fairer to the employer, also, to put it on that basis, for the profit of the employer in all trades was in proportion to the wages he paid. ["No, no!"] Well, he maintained it was so. Employers put down everything that they had to spend for materials; they added the cost of the labour, and then they put a percentage on the whole to represent their profits. Therefore, when higher wages were paid, the employer was in a better position to pay compensation than

where the labourers merely received small amounts weekly. It might be thought, from the scantiness of the attendance on the Benches near him of those who were supposed to represent the agricultural interests, that this was not a question affecting the farmers very much; but, for his part, he was convinced that the liability of the farmers would far exceed that of the cotton trades, or the manufacturers who had spoken. The hon. Member opposite (Mr. J. K. Cross) had fixed the percentage on wages which it would cost him to insure, and he (Mr. Biddell) could only say he should be very happy to insure his liability, as a farmer, at half such amount. Besides, when this Bill was first brought forward, he thought he was only to be responsible for his overlookers; but he now found that he was not merely responsible for his men, but for his horses. It was very difficult to answer for a man, but it was far more difficult to answer for a horse; and, therefore, he hoped the compensation to be paid would be fairly limited.

MR. DODSON said, he had not risen before, because he was anxious to hear what the views of different hon. Members were; but, after hearing the different speeches, he must say that the Government adhered to the clause as it stood in the Bill. He would remind the hon. and learned Baronet behind him, that when he spoke of the enormous weight which this Bill imposed upon capitalists, that it was nothing compared with the weight which the laws of Germany and France imposed upon them. He had, also, in his speech, lost sight of the fact, to a great extent, that the Bill only made the employer liable for the neglect of persons in authority; and as to inevitable accidents, he would not have to compensate his workmen for them. He was also very glad to hear that, in all probability, before this Bill came into operation, insurance companies would be established. He was glad, also, to hear the very interesting speech of the hon. Member below the Gangway (Mr. J. K. Cross), and his testimony as to the amount of liability this Bill would impose. In adhering to the clause as it stood, he must confess that he did not quite follow the reasoning of the hon. Gentlemen who wished to have a fixed maximum of liability. If it was possible to insure against a fixed

liability, why should not an employer who knew what his wages were insure against that? [Sir HENRY JACKSON: How can he tell what his wages will be?] He might remind the hon. and learned Baronet that the limit introduced in the Bill was for the past three years, and he would also beg him to remember that this particular clause was introduced into the Bill at the special request of the employers. The hon. Member for Stoke (Mr. Broadhurst) had said that he would prefer no clause at all. But it must be remembered that it was an advantage to the workman himself to have a maximum fixed; because it would lead to compromises in the case of accident, and so, to some extent, prevent litigation.

MR. GREGORY said, that they were then dealing with an injury that was supposed to have occurred, and providing a remedy. Notwithstanding what had fallen from his hon. and learned Friend opposite (Sir Henry Jackson), he must say that he thought the principle of the Government was right, and that the liability should be measured or estimated as an individual liability, and not as a liability for a class. It was impossible to take it as a matter of average; but it must deal with specific cases. On that principle, he did not see how they could hesitate to accept the clause. The hon. and learned Gentleman the Member for Coventry (Sir Henry Jackson) had admitted that the principle of the three years' earnings of the man was a reasonable one, and he failed to see how, in that case, the hon. and learned Gentleman could object to the clause.

MR. NORWOOD said, it appeared to him that the argument of the hon. and learned Member for Coventry (Sir Henry Jackson) was fallacious, inasmuch as he seemed to argue as if the Bill only referred to one class of labourers—namely, those in mines. He appeared to forget the wide scope of the Bill, that it not only affected mines, but railways, and, indeed, every class. Remembering that, he could not help thinking that the clause of the Government was one that would have an equitable effect. Three years was, he thought, a fair limit at which to assess the wages of the labourers of this country as a class. He would venture to press upon his hon. Friend the Member for East Derbyshire (Mr. Barnes) to withdraw his Amendment.

MR. GORST said, that, undoubtedly, the Government proposal was superior to that of the hon. Member for East Derbyshire. By voting for the Government, however, he was not committing himself to any principle of restriction. The restriction proposed was subject to two perfectly conclusive objections. First, that alluded to by the hon. Member for Stoke (Mr. Broadhurst), that it would be exceptional legislation. It would create the very same kind of inequality as that which had given rise to the whole agitation in favour of a measure of that sort, and would perpetuate the injustice which they sought to destroy. Upon that ground, it seemed to him that there could be no exception to the limitation which would not be open to the gravest objection. Secondly, there was an objection to that clause, which he believed had not hitherto been noticed. It actually curtailed the existing rights of the workmen. At the present moment, for instance, if a workman was injured by a defect in the plant, resulting from the negligence of the employer, he was entitled to recover full compensation. There was no limitation to the right. As soon as that Bill passed, that right, at present perfectly complete, became subject to the limitation contained in that clause. Upon those two grounds—first, that the legislation was exceptional, and applied to workmen only; and, secondly, that it curtailed or deprived persons of rights now in existence, he thought the clause open to the gravest objection. Therefore, if a division were taken upon the Amendment, in voting with the Government he reserved to himself the fullest right hereafter of moving that the whole clause be struck out.

MR. INDERWICK said, he should not have risen, but that he wished to point out that the remarks of the hon. and learned Member for Chatham (Mr. Gorst) were, he believed, not correct. He thought it would be found that there was nothing whatever in the course of that Bill which took away from workmen any right which they then had by any existing law. If a workman suffered an injury in consequence of the personal negligence of the employer, he was entitled to compensation. If killed, his employer was not only criminally liable, but also civilly, for any amount that could be recovered. The 2nd clause of the Bill



stated the cases in which the right to compensation did not accrue, and the 3rd clause merely stated that the sum awarded as compensation should not exceed a certain amount. He would venture to say that the hon. and learned Member for Chatham was not right as regarded the curtailing of rights then in existence.

SIR H. DRUMMOND WOLFF said, he fully agreed with what had fallen from his hon. and learned Friend the Member for Chatham, that that clause ought to be cut out. If they looked at the 1st clause, they would see that it said "that a workman should have the same right of compensation as if he were not a workman," &c. That was, as if he were one of the public. That very day the Government had cut out Sub-section 3 of Clause 2, on the ground that its meaning was already contained in the Common Law. Whilst he certainly should vote against the Amendment, he should reserve to himself the right to vote against the clause subsequently.

MR. THOMPSON said, he wished to ask a question with reference to the law of insurance.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he should be glad to answer any question when they came to the question of assurance; but that was not the subject before them then.

*Amendment negatived.*

MR. BOLTON said, he wished to move the next Amendment. He thought the Committee would see that the principle of it was the same as that of the Bill. The only difference was as to the mode of ascertaining the amount of compensation. It was to take the three years' earnings preceding the injury, as compared with the average earnings in the same neighbourhood of a man in the same position. His sole object in moving the Amendment was to avoid litigation as far as possible. By adopting the Amendment, the expensive inquiry which must take place in order to ascertain the possible maximum compensation would be avoided. In fact, what he had suggested was the only possible means of ascertaining the amount of compensation, where the man died. He was very glad, indeed, that the Government had resolved not to name a fixed sum. He thought that would be most unjust and unfair. Hon. Gentlemen who proposed

£100, £150, or £200, did not take into consideration the different rates of wages that were received. In the trade with which he was more particularly connected, many men earned, on the average, £150. He most entirely objected to any such limitation being inserted. He wished also for it to be distinctly understood, that while he approved of the principle adopted by the Government of granting a certain number of years as the maximum amount of possible compensation—which was one of the most valuable principles the Bill contained, and for which he, for one, felt grateful to the Government—still, he did not think that they had adopted the proper amount as the maximum compensation. For his part, he would have fixed it higher than three years. But, notwithstanding that, he had adopted the words of the clause in his Amendment, and that was one reason why he pressed it on the attention of the Government.

*Amendment proposed,*

In page 2, line 23, after "sum," leave out to end of Clause, and insert "as may be found to be the equivalent of three years' earnings of the person injured, calculated, in the case of a person who has been for three years preceding the injury in the service of the employer, at the sum actually earned; and in the case of any person whose service has not extended to three years, at the rate actually earned during the term of service immediately preceding the injury."—(Mr. Bolton.)

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that the difference between the clause of the Bill and the Amendment of his hon. Friend the Member for Stirling (Mr. Bolton) was entirely one of detail. The principle was the same; and if the Committee would allow their attention to be directed to the matter for a moment, they would see that it was almost necessary to maintain the clause of the Bill. The Government clause proposed that they should take an estimate of the labour of the three preceding years of the person employed. If the man were not in employ, then they were to take an estimate of the earnings of a person of the same grade employed during those years. It was necessary to use these general terms; for, otherwise, they would not be able to deal with cases where a man was not in employ for three years, or was out of work, or where, for instance, there were

*Mr. Inderwick*

bad times at the end of three years and good times at the beginning. They could not deal with the matter, if they fixed the amount, for many considerations. Thus, it might be that there were two different grades of employment on account of the man being advanced, and then they would have to calculate both on the smaller and larger sum. For these reasons, it must be obvious that they must look at the question generally, and not fix a certain amount. His hon. Friend's Amendment really contained no material difference to that of the clause in the Bill. He suggested, that where the period of service had not extended to three years, "the rate should be that actually earned during the term of service immediately preceding the injury." But supposing wages were low at the time, or immediately before the injury was received, although not so previously, the rate would be calculated on a low basis, instead of an average one—they were bound to take an estimate for a more extended period. He hoped the Committee would not accept the Amendment.

Mr. BOLTON said, he thought the hon. and learned Gentleman had misapprehended the meaning of his Amendment. The rate was that actually earned during the term immediately preceding. It was in the last line but one; and supposing, for instance, that the man had been in the service 6, 12, or 18 months, the amount of compensation would be calculated upon that.

THE ATTORNEY GENERAL (Sir HENRY JAMES): Yes; but suppose the man had only been in the employ six weeks?

Mr. A. M. SULLIVAN said, that his hon. Friend the Member for Stirling seemed to forget that the man might be moving upward in rank during the first, second, or third year. In case he were moving backward, it would be just the same. The amount for compensation must be calculated upon the average rate for three years; then it would work exactly the same, whether the wages were rising or falling.

*Amendment negatived.*

Mr. BARING said, he did not like the expression "estimated earnings." He should like to substitute "average wage paid." He begged to move that Amendment,

*Amendment proposed,*

In page 2, line 24, after "to the," omit "estimated earnings," and insert "average wage paid."—(*Mr. Baring.*)

*Amendment agreed to.*

Mr. BURT said, he had an Amendment on the Paper, the object of which was to increase the maximum amount of possible compensation. He wished to substitute "five years" for "three." In a recent case, where a passenger had been injured in connection with a railway accident, he had been awarded £13,000, based, he believed, on a calculation of five years' income. He had wished to oppose the clause altogether; but he had not done so, inasmuch as he had expected that a few concessions to employers would, perhaps, take away the exaggerated apprehensions of which they had had such evidence during the discussion on that Bill. But they had found that that was not so. Employers were still as hostile as ever to the Bill. If they were to have a limit, he thought as wide a margin as was fair and just should, at any rate, be allowed. He understood, from information he had received, that it was not at all an infrequent thing for the amount granted to be equal to five years' wages. On that account he begged to move his Amendment.

*Amendment proposed,*

In page 2, line 25, to leave out the word "three," in order to insert the word "five."—(*Mr. Burt.*)

Question proposed, "That the word 'three' stand part of the Clause."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he should like to say just a word with reference to the question of having any limit at all. It had been said that it was new legislation to lay down a limit as to the amount to be recovered. That was not altogether accurate, for they had precedents in legislation laying down a limit under circumstances precisely similar to the present. He could not help thinking that it was perfectly legitimate, when dealing with a question of that sort, where they were introducing a new head of liability which did not exist before, to introduce with it a limit, if a reasonable one could be found. And if there were no limit, generally speaking, they could be by no means sure that it was not the most reasonable thing to

introduce some limit. He would proceed to refer to the precedent precisely in point. In case of damage or loss by reason of the navigation of a vessel, where there was negligence on the part of the servant, the liability was limited to a certain extent; but where there was no such negligence, it was not limited. Therefore, the law already made the distinction between the liability of a person where there was negligence on his part, and that where the negligence was on the part of the servant. He quite agreed that that limitation applied to all persons; but he did not say that that precedent should be followed exactly in the present instance. It appeared that there was another reason in favour of a limit being fixed, and to that he would call the attention especially of his hon. Friend the Member for Morpeth (Mr. Burt). It was in the interest of both employer and employed that it should be so. The one thing above all others to prevent was litigation—they wanted, in fact, to take away, or diminish, the chances of litigation as much as possible. He believed that if a limit were given it would reduce the chances of litigation; because, so long as the liability was left absolutely unlimited, they knew, by experience, the promises held out to litigants by those who took up their cases. If the defendant offered a sum, they would say, "Leave the matter in our hands, we will get you an amount far exceeding what anyone will offer you." The result would be that it would conduce to litigation, and the only persons who would really benefit would be the lawyers. That was certainly what they wished to discourage in that Bill. Speaking, then, generally on the question of limit, he would say that it would reduce litigation, and be quite as much in the interests of the employed as of the employer. With reference to the particular limit, he would observe that it was always, in fixing a limit, extremely difficult to say what it should be. There was no absolute reason why it should be a particular number of years, any more than one more or less. He thought he should best explain that limit if he were to tell the Committee that it had been based on general experience. In cases where there been permanent injury received, juries usually awarded three years' wages. It was occasionally more and

occasionally less; but that was the average. The hon. Member for Morpeth (Mr. Burt) had stated that £13,000 had been given in the case of a railway accident based on a calculation of five years. The sum awarded in that case was £16,000, and it was shown that the injured man had been in receipt of £5,000 a-year. That, therefore, only went to show that the basis of the calculation of the Government was the usual one. A great deal had been said on both sides; but he believed that the terms of the clause were as much in the interest of the employer as the employed. Of course, in a great number of cases they would not reach the limit, or anything like it; and those matters must be left open to be treated according to the nature of the accidents that occurred and the injuries that were received. In conclusion, he might say that he thought it was in the interests of both parties that a fair and reasonable limit should be fixed; and he hoped that he had been able to convince the Committee that the limit fixed in the clause was such an one, and one that had, in fact, been based on actual experience of decided cases.

Dr. WEBSTER said, that he had great pleasure in supporting the Amendment.

Mr. A. M. SULLIVAN said, that, generally speaking, much less would be given by juries than the amount fixed by the Bill—namely, the average earnings of the injured man for the previous three years.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that three years was fixed as the maximum in this case, because that was the compensation which juries generally gave in such cases.

Mr. A. M. SULLIVAN said, that the admission of the hon. and learned Gentleman made their case stronger than ever, and he would instance the case of the Irish Land Act. When, 10 years ago, the House was discussing the maximum amount of compensation to be given under that Bill, it seemed to be assumed by hon. Gentlemen that the maximum allowed by the Bill—seven years—would be given. The fact was, that Judges had given, on an average, only three, and two and three-quarter years' compensation. He hoped the Committee would not be alarmed by the idea that juries would give enormous

compensation. What was it that the Amendment proposed? It proposed that if there were some exceptional cases, in which the merits and the justice of the case were so plain, that in a case where a jury would now give five years' compensation, this clause should not prevent its giving the additional two years' compensation. He thought that the Amendment of the hon. Member for Morpeth ought to be adopted; although he agreed with the hon. and learned Gentleman the Solicitor General that there was a good deal to be said as to the introduction of some limit to the compensation. He would appeal to the Committee to accept the Amendment of his hon. Friend, for he believed that it would be found to work extremely well and to meet many exceptional cases.

MR. HINDE PALMER said, that he agreed with the hon. and learned Gentleman the Solicitor General that it was right that some limit should be fixed to the amount of compensation to be given. If no limit were fixed a great amount of litigation would take place. In 1870, he served on a Committee with reference to compensation for railway accidents. There were on that Committee several hon. Members of very considerable experience in that House, both on legal matters and with reference to railway accidents. That Committee was originated by railway interests with the object of having special tribunals appointed for the trial of railway cases; and it was very strongly contended that there should be some limit to the liability of the Companies. The Committee examined Lord Justice (then Mr. Baron) Bramwell, Mr. Justice Martin, Sir James Hannen, and other Judges, who were in the habit of trying these cases of compensation for railway accidents. Mr. Baron Bramwell, on being asked if he thought it desirable to have a limit, said that he did not think that the damages generally given were excessive; and, on the contrary, that he was much surprised at their moderation. Still, the Committee, in which the railway interest was well represented, came to a conclusion in favour of fixing some limit. They fixed upon the limit of £1,000 for first-class passengers; £500 for the second-class; and £300 for the third-class passengers. If the average rate of wages were taken, he thought it would be found that the limit of £300

was a very fair sum to fix as the amount of compensation to be paid to a third-class passenger. Judging from the class which formed third-class passengers, it seemed to him that £300 represented five years' earning more nearly than three. It should be remembered also that five years was only fixed as a maximum, and it did not follow that that maximum would be given in all cases. In the belief that £300 represented five years' earning of a working man at the average rate of wages, he should certainly support the Amendment if it went to a division.

MR. CARBUTT said, that he should certainly support the Amendment of the hon. Member for Morpeth. There were many cases in which the limit of three years for the earnings would not be fair compensation. If they took the class of apprentices, a young man of 20 might be receiving only 10s. or 12s. a-week; but in a short time he would probably be earning very much more. In such cases the limit of three years would not cover the average earnings of those men. If they took the case of the railway locomotive drivers they would see that a similar argument applied. Those men commenced by being cleaners. They were then drivers for a short time on a goods train, and then they were made drivers on a passenger train. He thought it necessary to increase the maximum of five years, in order to give those men a proper chance of obtaining compensation.

MR. GREGORY said, that they were by that Bill imposing a liability for injury to their servants, and the question was to what extent they should impose it. It had been said that three years' compensation was the general sum given by a jury in cases of accident. He thought it was upon the principle well known to all men of business that three years was about the average purchase of any business requiring skill. He supposed that three years was about the maximum rate of purchase of any business of that character. That being the principle upon which a jury arrived at its decision, he thought that it was a very fair limit for the Committee to fix as the maximum rate of compensation.

SIR R. ASSHETON CROSS said, that he could not give a silent vote upon this question. He thought it quite right that some limit should be fixed of

compensation. The more one looked into this matter, however, the more it would be found that the only practical solution of the question was the abolition of the doctrine of common employment. He did not, however, think that the country was yet ripe for that solution of the question. Still, he was sure that the question would never be satisfactorily settled on any other basis than that. He thought, however, that the question before them then was only the amount of compensation to be fixed, and that three years, as proposed by the Government, was the proper maximum.

MR. DALY said, that they were fixing the maximum rate of damages for injuries sustained by servants at three years' compensation, on the ground that strangers to the employers usually received three years, although it was perfectly true that they might receive a great deal more. He wished to know why that injustice was to be perpetrated? Was it reason or justice that the victim of a terrible injury sustained by the negligence of his fellow-servant should have his compensation limited to three years? He thought the Amendment of the hon. Member for Morpeth was very moderate, and he should certainly support it.

Question put.

The Committee divided:—Ayes 164; Noes 71: Majority 93.—(Div. List, No. 92.)

MR. ANDERSON said, that he now wished to raise the question whether a limit of any kind, such as made in this clause, ought to be made. He thought it was not right to fix such a limit in this Bill, as it was new in principle, and it was not expedient to introduce a system which would affect the working classes, and none other. If the limitation was right, then there ought to be a limit fixed in the case of all accidents. Then there would be some reason for it; but it was not fair to begin only with one class. This clause limiting the amount of compensation would be unfair in relation to the workman, and he did not think it was altogether fair to the employer. It would be unfair to the employer, because the tendency would be to work up to the maximum amount. In many cases that would result very unfairly to the employer, and in others unfairly to the workman; and he thought

it in every way better to leave each case to be judged on its own merits, either to be settled by arrangement or by a jury. For these reasons, he begged to move that the clause be omitted.

Amendment proposed, to leave out Clause 3.—(*Mr. Anderson.*)

MR. GORST said, that he did not mean to repeat the observation which he made some time ago; but he should like to make some remarks upon the speech of the hon. and learned Gentleman the Solicitor General. The hon. and learned Gentleman failed to show that there was any precedent in our legislation for applying a restriction to one particular class of persons, as was the case in the present Bill. It was true he produced a precedent for the limitation of compensation generally; but he gave none whatever in our legislation for applying restrictions to one class alone. He left the Government to judge how extremely unpopular a restriction would be, which would apply exclusively to workmen. As to the observations of the hon. and learned Member for Rye (*Mr. Inderwick*) that the Bill did not take away the Common Law right to sue an employer for personal negligence, that was perfectly true; but the effect would be that one man who sued at Common Law would get full compensation, and another man who sued under the Act would only get partial compensation. Where the employer was not guilty of personal negligence there would be no such option to sue at Common Law, and the compensation would be limited by the terms of this Act. With respect to the practical working of this clause, so far as children were concerned, the compensation would be limited to three years' wages, although the injury might be one which would maim the child for life. In manufactories children were employed at almost nominal wages; and the compensation given by this Bill, if restricted to the average earnings for three years, would be utterly inadequate. A child, therefore, might receive a terrible injury, and only recover an almost nominal sum in respect of it. That was the practical difficulty which would occur if this Bill became law. When two or three cases had occurred in which young children maimed for life by dreadful accidents had been compensated in this inadequate manner, there

*Mr. Gregory*

would be such an outcry that some further alteration of the law would be absolutely necessary.

DR. WEBSTER objected to the Amendment. He did not at all understand that the Bill was brought in as a matter of favour to working men, but as a matter of justice; and, therefore, the proposals in the Bill should be carried out not grudgingly, but fairly and generously. The clause before them, and those which immediately followed, were contrary to that principle. They had heard a good deal, during the course of the debate, of the evils of litigation. He was not afraid of them, because to prevent litigation was very often to shut the door of the legal tribunals against certain parties. Some of the clauses in this Bill would have very much that effect. While, therefore, he thoroughly approved of the general scope of the Bill, and gave it his warm support, on this particular point he should vote with the hon. Member.

MR. SERJEANT SIMON said, the clause was quite at variance with the object of the Bill. The measure, at present, gave a right of action to persons who did not now possess that right; and it had been stated, over and over again, in the course of the discussion, that the object of the Bill was merely to extend to those persons the Common Law rights which others enjoyed. In doing that they should surely be consistent, and enable working men to enjoy exactly the same advantages as other persons. As his hon. and learned Friend the Member for Chatham (Mr. Gorst) had said, in the case of young persons the Bill would work a grievous hardship, because, by its present provisions, they would be entitled to next to no compensation at all. Then in the case of adults, too, he believed that much injustice would be done, and that if the clause were struck out altogether, and the whole matter was left to the Judge and jury to determine, they would decide on precisely the same grounds and proceed on the same lines as this Bill now did; while they would be able to do justice in particular cases when special circumstances arose. The jury would only seek to give compensation according to the position in life of the person claiming. They would consider his actual positive loss, and they would not seek to overburden the

employer. He thought there was a good deal of groundless alarm felt on this point. Where juries gave excessive damages the Courts would cure the evil and remedy the injustice. This clause was against the whole principle of the Bill; and he should, therefore, feel bound to support the hon. Member.

MR. EDWARD CLARKE said, hon. Members were anxious to put this clause in the Bill, because it would limit the amount of compensation; but he rather doubted whether that would be the principal result. In his opinion, the tendency would rather be to make the three years' earnings an ascertained valuation of the damage; and it would encourage litigation, because, instead of the amount of damage being left absolutely as a matter of speculation, his solicitor would always tell the injured workman that he was entitled to three years' wages, and he would have a very good excuse for holding out expectations that the man would get that. Another reason why this ought not to apply was, that it affected not only cases where a man had been disabled by injury, but where his legal personal representatives were suing after the man himself had been killed. In such cases he could quite conceive that three years' compensation would be a very inadequate provision. It would certainly be given, however, in every case under the Bill, because nobody would be able to say there was any reason for not giving that full amount. He voted against putting in five years instead of three, because he believed that would merely be to extend the measure of damages, and that the employers would always be called upon to pay. For the same reason, he should vote for this proposition to leave out the clause, because he believed that was the fairest way to treat the matter.

SIR DAVID WEDDERBURN pointed out that if this clause passed the rates of the working men in Scotland, which had already been restricted by the Bill, would be still further limited. He should vote, therefore, with his hon. Friend.

MR. A. J. BALFOUR said, the hon. and learned Member for Plymouth (Mr. E. Clarke) seemed to be of opinion that the Bill would promote litigation, because the solicitor would say to his client that he would be sure to get three

years' compensation; but if there was no limit at all, then an unscrupulous solicitor would be able to hold out the most golden hopes to the workmen, and no one would be able to check any lure he might suggest. The working man, therefore, would be far more likely to go to law, if the amount he might obtain was absolutely unlimited, than if the solicitor was forced to tell him that he could not get more than three years' wages. He proposed, therefore, to vote with the Government.

MR. NORWOOD said, he could not help acknowledging that some injustice would be done where children or young persons were injured whose wages were very small, because they would get scarcely anything; and he would, therefore, suggest to the right hon. Gentleman that he should undertake to insert some words on Report which would meet such cases.

Question put, "That Clause 3, as amended, stand part of the Bill."

The Committee divided:—Ayes 204; Noes 74: Majority 130.—(Div. List, No. 93.)

Clause, as amended, *agreed to*.

Clause 4 (Limit of time for recovery of compensation).

MR. DODSON said, he had a proposition to make to the Committee which he hoped would save time and enable them to pass this clause. There were two Amendments on the Paper, one in the name of the hon. and learned Member for Rye (Mr. Inderwick), and another in the name of the hon. and learned Member for Stockport (Mr. Hopwood), both proposing to extend the time within which the workman should give notice to his employer that he intended to ask compensation for his injuries. There would be some difficulty as to that. Machinery would have to be provided as to whom the notice should be given. The employer might be abroad. On the other hand, Her Majesty's Government thought the limit in the clause—namely, that notice should be given within six weeks after the injury—was unduly short. There was an Amendment on the Paper by his hon. Friend the Member for Glasgow (Mr. Anderson), proposing that notice should be given of an action within three months of the injury. They thought that was a fair

term, and they were ready to accept that Amendment. If his hon. and learned Friend the Member for Stockport and his hon. and learned Friend the Member for Rye would agree to that, the Amendments might be disposed of. He proposed to omit the words "six weeks" in order to insert the words "three months."

Amendment proposed,

In page 2, line 81, to leave out the words "six weeks," in order to insert the words "three months."—(Mr. Dodson.)

Question proposed, "That the words 'six weeks' stand part of the Clause."

MR. HOPWOOD said, he thought the proposition was very fair, and, so far as he was concerned, he was ready to accept it.

MR. INDERWICK said, he introduced his proposition because he thought it would prevent a certain amount of litigation. If the Government were ready to accept these "three months" he did not see why they should object to it.

MR. CHARLES PALMER said, the Amendment seemed to him directly contrary to the other proposals of the Bill, and it was surely very hard that an employer should not know until three months after an injury that he was to be liable to an action. The working men themselves knew how important it was to have immediate notice; for, according to the rules of the Northampton and Durham Association, notice was required of any claim within three days, and many other Associations of the same character had a similar rule. The effect of this extension would, practically, be to allow time to get up the case; and while an employer might not object to the claim being made against him, he certainly would object to all this time expiring before he was aware of what he would have to meet. He thought even six weeks was going too far.

MR. NORWOOD said, notice ought to be given of any action as soon as possible, as, otherwise, how could an employer make inquiry and ascertain what were the facts? Three months seemed to him highly unjust. A man, surely, would know within six weeks whether he wanted to bring an action or not. For his part, even that period seemed to him too much, while three months was a gross injustice.

MR. RYLANDS said, the Government had undertaken to report Progress at

half-past 11, yet they had now sprung upon the Committee a sudden change in their own Bill. As the time named had now been reached, he would suggest that Progress should be reported, in order that they might consider the change that was made.

Mr. DODSON said, he would not for a moment resist that proposition; but, as a fact, he proposed his Motion before half-past 11, in the hope that it would be immediately accepted. He begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dodson.*)

LORD RANDOLPH CHURCHILL said, when this suggestion for reporting Progress was made in the afternoon the Committee was not in the humour for a long argument as to the merits of the proposal, and the persistent way in which the Welsh Members kept dragging the red herring of the Welsh Sunday Closing Bill across the scent diverted attention. It was a most extraordinary thing, and one which many Members were ready to resist, that after they had been engaged in the discussion of a Bill all the evening they should suddenly stop at such an early hour, in order to take up another question. ["Divide, divide!"] He hoped the Committee would allow him a few moments in which to explain the position of affairs. The noble Marquess wanted them to report Progress. For what purpose? Merely that the House might have the pleasure of assisting in what would be nothing more nor less than an Irish row. What was the good of discussing a matter which had been already settled, and which the Government declared they would not alter?—not that he paid much attention to their declarations. He could not believe, if the Government pressed this proposal for reporting Progress, that they were in earnest in their desire to pass the Employers' Liability Bill; and if they did press the proposal it would justify him and his Friends in putting their own construction on the matter, and shaping their course accordingly. If this was a sample of the way in which the noble Marquess proposed to conduct the Business in the absence of the Prime Minister it was a very unsatisfactory one; for he was perfectly

certain that if the Prime Minister had been in the House—and it only showed how they ought to deplore his absence—and if he had understood the matter he certainly would not have agreed to the proposition. He would tell the noble Marquess, and those who supported him in this proposition, that they were actuated in their proposal only by fear of the Irish Party, and what they might do in order to prevent progress with other Government Business. If the noble Lord thought by such a step as this he was going to get the House easily to consent to sit on a Saturday he was labouring under a very great error; for hon. Members near him, and he himself, after what had passed, would avail themselves of every opportunity to prevent Government Business being taken at a Saturday Sitting.

THE MARQUESS OF HARTINGTON said, the noble Lord the Member for Woodstock (Lord Randolph Churchill) could put what construction he pleased on his action. It was not worth while wasting time by answering his allegations. He was perfectly at liberty to attribute the action of the Government to the fear of the Irish Party, or to any other reason that he chose. He (the Marquess of Hartington) was himself, however, also at liberty to say that the action of the Government had been taken because they thought that the question to be brought before the House by the hon. Member for Longford (Mr. Justin M'Carthy) should be allowed a discussion. The position of that hon. Member and his Friends was a reasonable one; and, if this Commission was to be discussed at all, it was most desirable that it should be discussed at an early moment. If the noble Lord had any suggestion to make by which the discussion could be taken more conveniently than now—[Lord RANDOLPH CHURCHILL: Take it on Saturday.]—he could explain it to the hon. Member for Longford, and get him to accept it. He trusted the Committee would not be led into a discussion which could only result in waste of time. Even if his right hon. Friends had not proposed to report Progress now, within the next half hour, the noble Lord, or some of his Friends, would inevitably have made the same Motion; and, therefore, the time that would be lost was not serious.



But, at all events, there was no prospect, after the Motion, that they should go on with the Bill that night; and, therefore, they had better at once decide the matter. He could not say what course the noble Lord might take; but he could assure the Committee that in what the Government had done their single object had been to give a fair opportunity to the Irish Members to discuss that important matter.

MAJOR NOLAN said, the noble Lord (Lord Randolph Churchill) had certainly achieved his object of preventing the Irish discussion being taken at a time when it would be reported. He believed that was the only object with which he had made his speech, and he had attained it. The noble Lord had acted as he had done without consulting the Irish Members with whom he used to act five or six years ago. And he could tell the noble Lord, who probably knew very little now of the feeling of Ireland, that at least half the country did object very strongly to this Commission.

MR. J. K. CROSS thought it was very unfortunate that the Committee should be broken in upon at a time like this; but that was not now the question. As had been well said, it would be absolutely impossible to go on with the Bill, because some hon. Members, relying on the proposal of the noble Marquess, had gone away. Therefore, the only reasonable and rational course was to accept the proposition which had been made, and which, if opposed at all, ought to have been opposed earlier in the evening.

MR. WARTON complained that the noble Marquess had paid little attention to the practical suggestion he made earlier in the afternoon, that this ridiculous discussion should be taken on Saturday.

*Motion agreed to.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

### MOTION.

#### LAND ACT, 1870 (COMMISSION).

##### MOTION FOR AN ADDRESS.

MR. JUSTIN M'CARTHY rose to move—

*The Marquess of Hartington*

"That an humble Address be presented to the Crown, praying Her Majesty to reconstitute the Royal Commission appointed to inquire into the working of the Land Act of 1870, in such a manner as to afford by its composition an adequate representation to the tenant farmers of Ireland."

The hon. Member said: Mr. Speaker, after the somewhat exciting little episode to which we have just been treated, I am afraid the statement I have to make will seem somewhat dull, prosaic, and uninteresting; but I can assure the House that the question to which I wish to direct attention is most important, and that, viewed in its proportions, it is, at least, as important to Ireland as that which its discussion has interrupted is important to England. I need hardly tell the House that the Land Question is of absolutely vital importance to the whole of the people of Ireland; and as it is to be put in the direction of settlement by the Government through the medium of the Land Commission, the constitution and composition of that Commission assumes an unspeakable importance in the eyes of the Irish people. I know there are some people in Ireland who believe that the appointment of the Commission is only a way of postponing legislation, and is, in fact, a kind of craft and delusion practised by Her Majesty's Government. I ought to say at once for myself that that is a view in which I do not share. I am satisfied that the Government proposed the Commission, sincerely believing that in that way they could mark out a path for the settlement of this most important question of land tenure in Ireland; but I can hardly help marvelling at the kind of simplicity with which the Government propose to approach a settlement of the question by the appointment of a Commission such as that which has been named. I have nothing whatever to urge against any of the distinguished Gentlemen who form the Commission—that is to say, individually I have had no reason to suggest why any or all of them should not be appointed on an Irish Royal Commission; but what I hope to make clear to the House is that, taking them altogether, they offer no reflex and no representation of the great bulk of public opinion, but that a Commission exclusively thus formed shuts out the representation of that part of public

opinion most deeply and closely interested in the settlement of the Land Question. Let us see who are the Members of the Commission. First, we have the Earl of Bessborough—who is, I believe, a liberal and most excellent landlord, and against whom I have no word to say. Then comes Mr. Baron Dowse, a distinguished Irish Judge; then the O'Connor Don, lately a Member of this House, and Mr. Kavanagh, also lately a Member of this House; and, lastly, comes my esteemed Friend the Member for Cork County (Mr. Shaw). Now, the first thing that will strike anyone in the consideration of that Commission is that the great majority of its Members are landlords. Let me add that two of them are, by their own avowal, distinctly opposed to that kind of land reform which is at the heart of the great majority of the tenant farmers of Ireland. It is not unworthy of notice that the O'Connor Don and Mr. Kavanagh both lost their seats in their own counties at the late Election because they were opposed to the majority of their constituents on that very question of land reform. Well, then we have Baron Dowse, and I have been reminded more than once that Baron Dowse took a leading part in the working of the Land Act of 1870 through this House. I am not very certain whether that really is a recommendation of Baron Dowse for a Commission which proposes to inquire into the means of extending and improving the Land Act. I say it with sincere regret, but with full conviction of the justice of what I say, that save for its intention, and for the indication it gave to the Irish occupier of land, that he was entitled to some share of ownership in the soil—save for these merits alone, the Land Act has been a failure in Ireland. Well, then, it is not impossible that Baron Dowse, having helped to carry through the Land Act, might, like other artists, have become enamoured of the work of his hands, and might, like other artists falling in love with their own work, have been especially taken with its defects and its mistakes; and it is not impossible that he might prove a less satisfactory Member of the Royal Commission than a man who had had no responsibility for the work of previous legislation. To me, at all events, it seems as if the

magic of song, which drew iron tears down Pluto's cheek, would have wrought a less wonderful effect than the influence which could extract a great scheme of extended land reform from an Irish Judge of the school of Baron Dowse. No Commission to inquire into the Land Question in Ireland could be complete or adequate which did not include my hon. Friend the Member for Cork County; but everyone knows that my hon. Friend is neither a tenant farmer, nor represents the opinions of tenant farmers generally, or the more advanced and comprehensive views on land reform which every day find new favour amongst the Irish tenant farmers. My hon. Friend the Member for Galway City (Mr. T. P. O'Connor) once described my hon. Friend the Member for County Cork (Mr. Shaw) as representing the low-water mark of Irish national opinion on the Land Question, and my hon. Friend the Member for Cork City (Mr. Parnell) as representing the high-water mark of that opinion. That, as a matter of fact, was a just and accurate description. Let the House consider the kind of Commission we have got. It comprises five Members; and of these three are landlords, two of them strongly and openly committed against the opinions which the Irish tenant farmer favours—one of them especially distinguished of later months by a keen and prolonged controversy on that very subject with my hon. Friend the Member for Cork City. Besides these, there is one Irish Judge who, since he left this House, has taken no interest in the Land Question. Then there is my much esteemed Friend who represents the low-water mark of public opinion amongst Irish tenant farmers. I ask any hon. Gentleman, no matter what his opinions are respecting the extreme views of land reforming in Ireland, whether that is a Commission which fairly represents and appeals to the feelings of the Irish people, or is likely to draw from them confidence, support, and testimony? There is the hard, unmistakeable fact that the two litigants in this dispute are the Irish landlords and the Irish tenant farmers. On this Commission the Irish landlords have three direct Representatives, and probably one indirect Representative; and what have the Irish farmers? No representation whatever—no manner of representation whatever. Passing from classes to opinions, I would

remind the House that there is growing fast in Ireland, and perhaps quite as fast in England, a certain school which maintains that the landlord right, or supposed right, has been pushed too far of late years, and is untenable in the face of our modern civilization. I do not ask that injustice should be done to any landlord in Ireland; I am no advocate of any measure of confiscation in any interest; but if supposed interests have, through tradition, through the unnoticed lapse of years, through a variety of circumstances, grown and outgrown so as to interfere with and overshadow the interest of the great bulk of the community, the principle on which civilized society rests, and always must rest, is that the supposed interest of the few must give way to the interest of the many. The opinion is growing in Ireland, as well as in England, that the right, or supposed right, of the landlord has outwelled its proper place in civilized society. There are, then, in Ireland, now, two antagonistic classes and two antagonistic sets of opinions. There is the opinion that the landlord's right, as known by tradition, is a kind of Divine right, sanctioned by law and justice, and must stand untouched at any cost; there is the other opinion that the landlord's power has outgrown its proper place in society, and the time has come when it must be modified in the interests of the tenants and the whole population. What representation has this latter opinion on the Commission? It has no representation whatever. Surely a Commission so constituted cannot be fairly said to give satisfaction to the Irish people, and cannot be expected to win their confidence or draw from them the expression of their genuine opinion. When I asked the right hon. Gentleman the Chief Secretary for Ireland whether he would not alter the conditions of the Commission so as to give an adequate representation to the Irish tenant farmers, the answer I received seemed to me curiously unsatisfactory. The right hon. Gentleman said his object in appointing a Commission was not only to get at the opinions of certain eminent gentlemen, however valuable they might be, but to get at the facts, so that the Government might be able to form an opinion for themselves. The right hon. Gentleman also said he was convinced he had selected men of

fair and impartial mind, who were likely to report the facts without prejudice or prepossession. But I will ask any hon. Member whether a Commission can be considered satisfactory, simply because the Gentlemen who form it are personally honourable and straightforward? Sydney Smith said well that the wit of man never had devised a better way of getting at the truth in any disputed matter than by allowing one man to ask all the questions that could be asked on the one side, and another man on the other. As in a Court of Law, so it ought to be in a Commission. Both classes of opinion should be fairly heard. The Irish Members do not want a sham inquiry, they want a genuine inquiry; and they want on this Commission those who do not admit the utter view of landlord right, as well as those who speak up for the landlords and belong to the class themselves. Without mentioning any names, I may say that not the least doubt or difficulty need rest upon the mind of any Member as to our capacity for suggesting sufficient and adequate representatives of the tenant farmer class if we are only given a chance. I know it has been said that the thing is done and cannot be undone. I refuse to believe that Her Majesty's Government are so pertinaciously or stolidly wedded to the present composition of this Commission that they are absolutely not open to any reason or argument. But if the Chief Secretary for Ireland really dreads the responsibility of re-organizing the Commission, then I ask the House to step between him and that responsibility which he fears, and admit that there is obvious justice in my demand that a Commission like this shall not be forced upon the Irish people. We have heard a great deal about the Irish Land League. It may be that the Land League holds and publishes illusory and dangerous opinions. I do not say so; but many Members of this House seem to look with great alarm on its constitution, its mission, and its character. If such alarms be justifiable, what can be a more useful work on the part of a Royal Commission than to show the Irish people where the Land League is leading public opinion in a wrong and dangerous way? But does any hon. Member imagine that a proclamation that its opinions are illusory and its action wrong will have the slightest effect on those over whom the Land League now

holds the greatest control, if it comes from a Commission composed of three landlords and a Judge? There was a Commission sent out to report on the condition of public opinion in the North American Colonies just before their revolt, and it listened to such evidence as came to it, and it reported there was not the faintest intention amongst any considerable body of persons to ask for separation from the Mother Country, and the Report got home here just before the Declaration of Independence. I fancy the Commission now to be appointed will make a somewhat similar Report in regard to Ireland. The very class whose purposes, claims, and grievances we wish to be informed about will hold aloof, just as they did when the sham Commission was sent to the American Colonies. Such a Commission will not advance us one step towards the settlement of the question. It will rather put us back; because there will only be a new body of worthless evidence on which to set up a new scheme of mistaken legislation. I earnestly urge the House to interfere between the Irish tenant population and a Commission of this kind. I ask the House to bear in mind that just now the Irish tenant population has a special claim on the care of Parliament. I ask the House to remember what has occurred but lately in "another place." I would appeal to the Government and to the House not to add to that great act of wrong, not to cap that climax of class selfishness; not to force on the Irish tenant population the conviction that they have no hope of justice from either Chamber of the Imperial Parliament.

MR. ASHTON DILKE, in seconding the Motion, said, that while the hon. Member for Longford (Mr. Justin M'Carthy) was, no doubt, in a position to know more of the composition of this Commission than an ordinary Englishman, it might not be out of place for one who had no partiality in the case, and who had no interest at heart except that of the nation at large, to say a few words on the subject. The chief point that struck him (Mr. Ashton Dilke), on looking at the composition of the Commission, was that it included three Gentlemen who had at one time or another been Members of that House. Baron Dowse was one of the chief promoters of the Land Act of 1870; but the two others could claim no such distinction. They were both Mem-

bers who had lost their seats through showing themselves in opposition to the clearly-expressed wishes of the Irish people on the question of land reform. Well, on the whole, he was not sure that he did not prefer the practice of the late Conservative Administration with regard to Members who had ceased to have the confidence of their fellow-citizens. It might not be a very logical practice to say that, because a Member had failed any longer to command that confidence, he should *ipso facto* be asked to prepare legislation which he was no longer in a position to support in the House of Commons. But, as far as the practical question was concerned, he was not sure that any particular harm resulted; whereas the practice of the present Government of making them Members of an important Commission might lead to considerable harm. There were two ways in which the Commission might report. It might report either in favour of a comprehensive measure of land reform, or against such a measure. The Government, no doubt, wished it to report favourably, and probably their principal motive in appointing it was that such a Commission, reporting in favour of land reform, would possess an authority which no other Commission could lay claim to. But that was taking an extremely hopeful view of the situation. He would ask the Government whether, if the Commission did not report favourably, there was any chance of their Report having any attention paid to it. The hon. Member for Longford said—"Take the case of the English Land Commission appointed not long ago;" but he might have made his case stronger while he was about it. The late Government did not dare, or, at all events, did not care, to neglect the interests of the tenant farmers, though, perhaps, if they had the appointment of that Commission now, they would not show the same zeal in that direction. Several tenant farmers accordingly were appointed to the Commission; but a good many Radicals pressed the Government hard to obtain some representation of the interests of the labouring classes, and it was deemed, at one time, likely that a man whose voice he hoped to hear within those walls would be included. He meant Joseph Arch. The case, however, broke down, and no representative of the la-

bourers was appointed. In Ireland the case was stronger, because there the tenant farmer combined in himself the interests of the tenant farmer and the labourer as well. It was, therefore, all the more necessary to secure, on behalf of the farmers of Ireland, a fair amount of representation on the Commission now in question. The Government, he fancied, appointed the Commission before they were absolutely certain that the Irish Disturbance Bill would be rejected by the House of Lords; and they had, perhaps, shown a little too much tendency to conciliate certain people who absolutely refused to be conciliated. They had a specimen of that tendency during the debate on the Compensation for Disturbance (Ireland) Bill in that House. The hon. Member for Burnley (Mr. Rylands) delivered one of the few sound speeches they had heard on the subject, and the Government at once showed an anxiety to minimize and repudiate as far as possible the view which the hon. Member for Burnley had expressed. The Radical Party during the discussions on that Bill showed a great deal of consideration for the Government by abstaining from speeches; but whether it would not have been better to have spent a few hours more then with the probability of saving two or three months next year was a question. The matter now before them was not one on which they wished to press the Government too hard. He (Mr. Ashton Dilke) was bound to say that since he had been in the House the attitude of the Irish Members towards the Government was well entitled to the respect and consideration of the Government. The Government, he believed, had shown a willingness to meet them in that spirit, and such, he hoped, would be the case as long as the present Administration lasted. Well, he thought the Government might yield on this point with a good grace and with distinct advantage to themselves. What they would have to consider next year would not be so much the question of evidence, as that of the attitude of the people of Ireland. He quite recognized the necessity of not frightening people; but, on the other hand, they might as well be hanged for a sheep as a lamb. The doctrine of conciliation might be pushed too far, especially with people whose particular interests and privileges had

already, perhaps, been a little too much consulted. Considering the importance attached to the Land Question in Ireland, he did not think the Irish Members, on the whole, had pressed the Government unduly; although he felt constrained, in the debate on the Address, to oppose the Amendment of the hon. Member for Mayo (Mr. O'Connor Power) as asking too much from the Government this Session; and although, in the debate on the Compensation for Disturbance (Ireland) Bill, he differed from some Irish Members in thinking that the Government had gone as far as they reasonably could, with any prospect of passing the Bill this year. If the Commission was to be appointed, surely it ought to be as representative as possible. It ought to be so composed as to command the confidence of the Irish people. The great majority of the Irish people would not read the evidence. They would look at the names of the Commissioners, and if they saw none representing the interests of the farmers—for the hon. Member for the County of Cork (Mr. Shaw), although entitled to all respect, could not be regarded as a Representative of that class—an impression would get abroad that the Government had made up their minds from the first not to give the tenant farmers justice, and such a result would, in every way, be regrettable.

Motion made, and Question proposed,

"That an humble Address be presented to the Crown, praying Her Majesty to reconstitute the Royal Commission appointed to inquire into the working of the Land Act of 1870, in such a manner as to afford by its composition an adequate representation to the tenant farmers of Ireland."—(Mr. Justin McCarthy.)

LORD ELOHO regarded the appointment of the Commission as quite unnecessary, seeing that another Commission was sitting, which, amongst other things, had entered very fully into the Irish Land Question. The fairness and the representative character of that Commission no one could dispute, including as it did not only tenant farmers, but two Members of the last Liberal Administration—Lord Carlingford and the right hon. Gentleman the Member for Halifax (Mr. Stansfeld)—the former of whom was really the main parent of the Land Act of 1870, which they had been told more than once was the germ of the recent Compensation for Disturbance Bill. The real motive for the appoint-

*Mr. Ashton Dilke*

ment of a second Commission appeared to him (Lord Elcho) to be this—that the first was known to have taken evidence unfavourable to the Land Act of 1870. That Act apparently had been anything but an unmixed good to the Irish people; one of its clauses having been mainly instrumental in bringing about that indebtedness of the Irish tenant which, at the present moment, was the great cause of his distress. That first Commission had been working steadily at the Irish Land Question; and it was their intention, he believed, to lay before Parliament, as soon as possible, the evidence they had taken in Ireland. If, then, another Commission was to be appointed at all, it ought to have been a Commission of a totally different character. It ought to have been a purely judicial Commission to inquire into the working of the Land Act. Failing that, they ought to have had on the Commission someone representing extreme views held on the Land Question. The present Commission was one of which he could not in any way approve.

MR. W. E. FORSTER said, the hon. Member for Longford (Mr. Justin M'Carthy, had brought forward the subject in a speech of great fairness and moderation, and he could assure him and other hon. Members from Ireland that he was really sorry to oppose him. He was very anxious that the Commission should meet with support in Ireland, and he believed it would. There were two reasons why the Government thought they must adhere to the appointment they had made. The hon. Member for Longford objected to Baron Dowse, on the ground that he might be enamoured of the Land Act which he had helped to get passed. Well, he (Mr. Forster) did not think the hon. Member would dwell very much upon that argument. Baron Dowse, whatever else might be said about him, was the greatest master of humour ever known in that House, and he would have relished extremely the notion of his being enamoured of any Act. The hon. Member said he did not expect any great scheme of land reform from Baron Dowse. Well, he (Mr. Forster) did not know that they expected any great scheme of land reform from Baron Dowse, or from the Members of the Commission generally. That was not the object of the Commission. Its object was to give

them information as to the working of the Land Act. The noble Lord the Member for Haddingtonshire (Lord Elcho) asked why there should be a Commission at all, seeing that another Commission was engaged in conducting an inquiry into the same subject. It was quite true there was that other Commission. It was a large Commission, composed of 20 Members, and it had a most extensive task to perform—namely, to inquire into the Land Question of the entire Kingdom. The Government consequently felt that that Commission would not be able to give so much attention as was desirable to the particular question of Irish land. The hon. Member for Longford had admitted the importance of the Irish Land Question in the consideration of every man in the country; and it was, indeed, impossible to exaggerate its importance. The Government felt that there was a great demand in Ireland for some change in the existing Land Laws; but, on the other hand, as there was an absence of actual information as to the manner in which the Land Laws were at the present moment working, they thought they could not deal with the question of what Amendment there should be made in them, or whether there should be any Amendment made at all, especially in the Land Act of 1870, without having a statement before the House to show exactly what had been the operation of that Act. The Government was of opinion that the existing Commission, to which he had referred, had sufficient to do without extending their inquiry in this direction. It became a question what sort of Commission it was their duty to appoint. The Government thought it would be well to have a small Commission, as being much more likely to be a business-like Commission, and able to go to one part of Ireland and another to get the information desirable. He could not help admitting, that they were encouraged in that view by precedent, and they could not but remember that it was the “Devon Commission,” which made extensive inquiries, and presented a very useful Report to the House. That Commission was a very strong Commission; but if it had been a large, instead of a small one, its Report would not have been anything like as useful as it was. The next question they had to consider was

bourers was appointed. In Ireland the case was stronger, because there the tenant farmer combined in himself the interests of the tenant farmer and the labourer as well. It was, therefore, all the more necessary to secure, on behalf of the farmers of Ireland, a fair amount of representation on the Commission now in question. The Government, he fancied, appointed the Commission before they were absolutely certain that the Irish Disturbance Bill would be rejected by the House of Lords; and they had, perhaps, shown a little too much tendency to conciliate certain people who absolutely refused to be conciliated. They had a specimen of that tendency during the debate on the Compensation for Disturbance (Ireland) Bill in that House. The hon. Member for Burnley (Mr. Rylands) delivered one of the few sound speeches they had heard on the subject, and the Government at once showed an anxiety to minimize and repudiate as far as possible the view which the hon. Member for Burnley had expressed. The Radical Party during the discussions on that Bill showed a great deal of consideration for the Government by abstaining from speeches; but whether it would not have been better to have spent a few hours more then with the probability of saving two or three months next year was a question. The matter now before them was not one on which they wished to press the Government too hard. He (Mr. Ashton Dilke) was bound to say that since he had been in the House the attitude of the Irish Members towards the Government was well entitled to the respect and consideration of the Government. The Government, he believed, had shown a willingness to meet them in that spirit, and such, he hoped, would be the case as long as the present Administration lasted. Well, he thought the Government might yield on this point with a good grace and with distinct advantage to themselves. What they would have to consider next year would not be so much the question of evidence, as that of the attitude of the people of Ireland. He quite recognized the necessity of not frightening people; but, on the other hand, they might as well be hanged for a sheep as a lamb. The doctrine of conciliation might be pushed too far, especially with people whose particular interests and privileges had

already, perhaps, been a little too much consulted. Considering the importance attached to the Land Question in Ireland, he did not think the Irish Members, on the whole, had pressed the Government unduly; although he felt constrained, in the debate on the Address, to oppose the Amendment of the hon. Member for Mayo (Mr. O'Connor Power) as asking too much from the Government this Session; and although, in the debate on the Compensation for Disturbance (Ireland) Bill, he differed from some Irish Members in thinking that the Government had gone as far as they reasonably could, with any prospect of passing the Bill this year. If the Commission was to be appointed, surely it ought to be as representative as possible. It ought to be so composed as to command the confidence of the Irish people. The great majority of the Irish people would not read the evidence. They would look at the names of the Commissioners, and if they saw none representing the interests of the farmers—for the hon. Member for the County of Cork (Mr. Shaw), although entitled to all respect, could not be regarded as a Representative of that class—an impression would get abroad that the Government had made up their minds from the first not to give the tenant farmers justice, and such a result would, in every way, be regrettable.

Motion made, and Question proposed,

"That an humble Address be presented to the Crown, praying Her Majesty to reconstitute the Royal Commission appointed to inquire into the working of the Land Act of 1870, in such a manner as to afford by its composition an adequate representation to the tenant farmers of Ireland."—(Mr. Justin McCarthy.)

LORD ELOHO regarded the appointment of the Commission as quite unnecessary, seeing that another Commission was sitting, which, amongst other things, had entered very fully into the Irish Land Question. The fairness and the representative character of that Commission no one could dispute, including as it did not only tenant farmers, but two Members of the last Liberal Administration—Lord Carlingford and the right hon. Gentleman the Member for Halifax (Mr. Stansfeld)—the former of whom was really the main parent of the Land Act of 1870, which they had been told more than once was the germ of the recent Compensation for Disturbance Bill. The real motive for the appoint-

*Mr. Ashton Dilke*

tive upon it. If they were, however, to make an addition, and to enter into the matter in all its bearings, they would have to add another Conservative to the Commission, and it would then number eight. He thought that a Commission of eight was much less likely to do the work well than a Commission of five. The Commission was not appointed in order to prepare a scheme of land reform. No doubt, they would be very glad of the opinions of the eminent men who composed it upon that subject. But their real object was to get at information; and, in order to do that, they must have a business-like Commission which would thoroughly do its work, and it was of real importance that it should be kept to a small number. He could only state that the Government was anxious that information should be given to that Commission; and they believed that, notwithstanding any speeches which might have been made by the O'Connor Don or by Mr. Kavanagh, yet considering the position which they held in Ireland, and the respect which they had amongst Irishmen, that a Commission which contained those two Gentlemen, and which also had as Chairman Lord Bessborough, whose whole connection with Ireland had won the respect of the tenants, as well as of the landlords, and considering also the well-known character of Baron Dowse, the Government did not question for a moment that the tenant farmers would give information to that Commission in the fullest possible manner. He was sure that it would be the endeavour of the Commission to obtain such information; and he would only state, in conclusion, that the object of the Government in appointing so small a Commission was its belief that the work for which it was specially required could thereby be best done.

MR. LITTON said, that when the announcement of the intention of Her Majesty's Government to appoint a Commission to inquire into the operation of the Irish Land Act was at first made, it was received with satisfaction throughout Ireland. At all events, in the Northern part of Ireland, the announcement was regarded with favour, because, as no legislation could take place till next year, it was thought wise to appoint a Commission to inquire into the facts which would have to be brought before the House so as to enable the Govern-

ment to deal with the question in a large and liberal spirit. In the North of Ireland, they all believed that the Gentlemen who would have been appointed on that Commission would belong not to any one Party, or represent any one opinion, but would have represented the various opinions entertained on the subject; and he could not conceal from the House that a feeling of disappointment prevailed in the North of Ireland, when it was found that the Gentlemen appointed—however eminent they might be in social position and intelligence, or even in technical knowledge, as regarded the working of the Land Act—were Gentlemen who could not be said to have much sympathy with the views of the tenant farmers, either in the North of Ireland, or in Ireland at large. He would make one exception to that observation, for he was bound to say that the hon. Member for Cork County (Mr. Shaw) possessed the full confidence of all moderate men in Ireland on the Land Question. The hon. Member for Cork County did appear to most persons in the North of Ireland a most suitable person to act upon the Commission, not because he was an Ulster man, although he (Mr. Litton) believed he was born in Dungannon; but because he had shown great judgment and ability in dealing with questions of practical interest to Irishmen at large. Still, the aspect in which the composition of the Commission struck most persons was, that while all the Gentlemen placed upon it were of the highest intelligence and position, yet, so far as the Irish tenant class were concerned, they remained unrepresented. It was not that he doubted the fairness, or the impartiality, or even the judgment and wisdom of those Gentlemen; but it was felt that the Commission did not contain any Gentlemen who took that view of the case which the tenant class was anxious to put before the House and the public at large. It was not that they feared the result of the Commission or the result of any Report which might be made, because the Government would not be bound by the Report; it was because those Gentlemen had no sympathy with the ideas and opinions which Irish tenants were anxious to have brought fully and fairly before the House, and it was regarded as impossible to expect that those particular opinions would be elicited without someone



the composition of the Commission. It was a very difficult thing to nominate any Members of such Commission; and he did not suppose they could ever make a nomination which would give universal satisfaction to all Parties. The Government attempted to make it a judicial Commission, by composing it of men who were likely to look into the evidence with a fair, impartial, and judicial frame of mind. He really did not think that, if the House fairly looked at the matter, it would think that they could have made a much better selection than they had made in the difficult circumstances of the case. The hon. Member did not object to the Chairman of that Commission, who was a most respected Nobleman (the Earl of Beesborough); nor did he (Mr. Forster) think it would be possible to find two more fair men than the O'Connor Don and Mr. Kavanagh. It had been said that the O'Connor Don and Mr. Kavanagh were no longer Members of that House; but some of their very ablest and most distinguished men had not always succeeded in retaining their seats with the constituency that elected them. He would appeal to hon. Members who were in the House when the O'Connor Don and Mr. Kavanagh were there, whether they could find any two Gentlemen upon whose fairness and impartiality they could more absolutely rely than upon theirs. He did not understand that there was any objection to the hon. Member for the County Cork (Mr. Shaw), and he could not think that any reasonable objection could be raised to Mr. Baron Dowse, who had left the House much longer than either of the two other Gentlemen. There were, doubtless, some hon. Members who recollected Mr. Baron Dowse when in that House, and he thought it would be generally admitted that he was also a Gentleman who would have great power in arriving at the truth, and great impartiality in stating what he had heard. He did not deny that he was a lawyer; but he thought that it was necessary to have upon the Commission some legal gentleman who was acquainted with the principles of the Land Act, as it was the business of the Commission to inquire into that Act, and Mr. Baron Dowse was one of the Members who assisted in carrying it through the House. He could assure the House that they had not considered for a mo-

ment whether those gentlemen were landlords, or whether they were not; all they considered was whether they were likely to come to a fair opinion as to the working of the Land Act. The hon. Member for Longford said that the tenants of Ireland would hold aloof from a Commission of which Lord Beesborough was Chairman, and of which his hon. Friend the Member for the County Cork was a Member. He (Mr. Forster) did not believe that the opinions that the O'Connor Don and Mr. Kavanagh had expressed would prevent any tenant from giving his evidence before the Commission. Did his hon. Friend suppose that the mere addition of a tenant farmer to the Commission would prevent the tenants of Ireland holding aloof? He fully believed, looking at the position which the hon. Member for the County Cork had held, that the part he had taken on the Land Question would prevent the tenants of Ireland from giving their evidence before a Commission of which he was a Member. He had no doubt that, if a tenant farmer of the same character for impartiality as those five Gentlemen could have been found and placed upon the Commission, the other Members would have been glad of his presence. It was all very well to say that they ought to have a tenant farmer upon the Commission, because it was a tenant farmer's question; but what they had to consider was, whether, as the Commission had been appointed, there ought to be any alteration in it. There were hon. Members from Ulster who, if the question were asked them, might say that there ought to be a stronger representation upon the Commission from the Province of Ulster. He (Mr. Forster) was of opinion, however, that Baron Dowse, who was an Ulster resident, knew as much as could be necessary of the Ulster Custom. Then there were other matters which, if there was any change, must be taken into consideration. The hon. Member for Longford, in bringing forward his proposal, entirely forgot the political views of the Members of the Commission. The Government had taken what was not a very usual course—although he did not know that any objection had been made to it—they had taken the course of appointing the Commission with little reference to political views, and, as a matter of fact, there was only one Conserve-

Act of 1870 has failed; and we are thoroughly conversant with its weak points. No Commissioner can give us any information with regard to their salient points. What we want is a Commission which will apply itself to showing that the Land Act, in its present form—that is, without a complete re-casting of its machinery—can never be anything but an utter failure. The Land Act condemns eviction, but allows the landlord to evict. The Land Act condemns rack-renting, but allows the landlord to rack-rent. The Land Act points towards a peasant proprietary, and leaves the tenant without the right of pre-emption, or adequate means to complete the purchase of his holding. The Land Act, in fact, lays down excellent principles, without providing any effectual means of enforcing those principles. Does anyone imagine that this Commission will shape its investigations so as to elicit evidence showing the necessity, in order to save the people, for making the provisions of the Land Act absolutely prohibitory of eviction, and of rack-renting? Or that this Commission will recommend, with a view to the establishment of a peasant proprietary, that in the case of all estates offered for sale the occupier shall have the right of pre-emption, and shall be assisted with loans at that moderate interest at which accommodation has so recently been afforded to the landlords. It would be difficult to exaggerate the aversion which this Commission, as constituted, excites in Ireland. Its composition is looked upon as a defiance of popular feeling, and as throwing an air of burlesque over the whole proposal. Some of its Members have ostentatiously displayed not merely their want of sympathy with, but their downright hostility to, the cause of the tenant farmers, either by openly contending that the landlord has a right to do what he likes with the land, or by taking a Pharisaical line with the most deadly effect. Mr. Baron Dowse was Solicitor General for Ireland when the Act of 1870 was passing through Parliament; and, no doubt, his principal occupation on the Commission will consist in pointing out the boundaries of that very limited measure of land reform, and keeping up the delusion that within its lines the farmers will find a place of refuge. It is notorious that the learned Baron is given over to joking; that he is, per-

haps, the most persistent and exquisite joker that ever lived; so that, if the cause of the tenant farmers is to be laughed out of Court, it will not be for want of his assistance. I am sorry to say that there is not even one man on the Commission who commands the confidence of Ireland. I wish to speak with the greatest respect of my hon. Friend the Member for the County Cork (Mr. Shaw); but he has destroyed himself by so posing here as a moderate man, that people are in great doubt now as to what are his views, or whether he has any at all, or, if he has any, whether he is prepared to do anything to give them effect. Sir, that man must, indeed, have a sanguine mind who imagines the occupiers of either England or Ireland will derive any benefit from Royal Commissions, as they have hitherto been constituted, and as their inquiries have hitherto been directed, whether those Commissions be called Agricultural Commissions, or Commissions to inquire into the working of the Land Act of 1870. One would think that it was the system of farming in the United Kingdom that was at fault, and that what we had to do was to improve it, so that the few available acres to be found without the narrow limits of these Islands may yield a return sufficiently to enable us to compete with the boundless extent of the Western Continent. Sir, it is vain to try that. It is not our farming that is at fault: that is not the cause of agricultural distress. What we have to do is to put an end to the landlord's power of exacting what rents he wants; and until that is done the agricultural population will never know what happiness is. That power it is that leaves farms untenanted in England, and that has brought Ireland—in the words of the Prime Minister—to within a measurable distance of civil war. Sir, nothing illustrates more forcibly the worthlessness to the people of these Agricultural Commissions than a glance at the sources from which they derive information. There is, perhaps, no part of Ireland suffering more from landlord oppression at this moment than Kerry; and from Kerry the Agricultural Commission invites Mr. Hussey to give evidence. Mr. Hussey, who has been the chief instrument of destroying in Kerry, and throughout the greater part of the South, everything that made the land

on the Commission who would take a special interest in having them made known. That was the reason why considerable disappointment was felt in Ireland at the composition of the Commission. This disappointment naturally resulted in remonstrance; and he, with several of the Ulster Members, felt it their duty to lay their views before the right hon. Gentleman the Chief Secretary for Ireland, and they accordingly had solicited the honour of an interview with him. He had very kindly acceded to that request, and they had had an opportunity of placing their views before him. The right hon. Gentleman met them with great kindness, and gave them the information which he had now given to the House. The opinions expressed by the right hon. Gentleman, to which it was stated the Government would now adhere, were no doubt true, in one aspect of the case; but they failed to convince the Ulster Members that the Government had adopted a wise course. He thought, however, that events which had since taken place somewhat altered the position which Irish Members should take. The result of the debate on the Compensation for Disturbance (Ireland) Bill in "another place"—a result they all deeply regretted—had imposed upon Government increased responsibility. It was not so much the result of that debate which was anticipated that he regretted, as that the result should have been endorsed by such an enormous majority of the House of Lords. The rejection of that measure had dashed, to a great extent, the hopes he had formed of being able to induce the House to adopt a wise and a just measure of land reform for Ireland. The practical question now, however was, whether Irish Members should embarrass Her Majesty's Government in their management of Irish affairs, by forcing them to reconstitute the Commission. He thought it was the duty of the Liberal Party at the present time, and under existing circumstances, to support Her Majesty's Government; and though not necessarily agreeing with the reasons which had been offered for not acceding to the request of Irish Members upon the matter of this Commission, yet he did not think it would be right to throw additional difficulty in their way by pressing them further, after the statements which had been made.

*Mr. Litton*

THE O'DONOGHUE: Sir, the right hon. Gentleman the Chief Secretary for Ireland may be irritated at the course we are taking; but such confidence have I in his impartiality, and in the logical quality of his mind, that I am convinced he cannot help seeing, not only that we are doing what is right, but that what we are doing is the natural consequence of our position as Irish Representatives. The proposed Commission is to investigate matters vitally and exclusively affecting Ireland, and the most ardent stickler for the Union will acknowledge that it especially devolves upon us to have the Commission properly constituted. The right hon. Gentleman will not maintain that we are bound to acquiesce in his selection. On the contrary, from his thorough appreciation of the duty of Members of this House, he must admit that we are bound to criticize unsparingly, or render ourselves amenable to a charge of negligence or incapacity. If this inquiry into an exclusively Irish matter is to be carried on from a Scotch or an English point of view, no doubt it will be strictly in accordance with precedent; and, like all proceedings carried on in a similar manner, it will not result in one single practical suggestion for the settlement of the Irish Land Question, but will leave that question exactly as it is at present, completely unsettled. Such a mode of procedure is nothing else than a sham. It is the sort of performance that always has taken place, and that we might expect always would take place when the majority of this House were the nominees of the territorial class of whom, alone, in those days, the British Constitution took cognizance. But such a proceeding is inconsistent with the professions of the right hon. Gentleman, and with the principles of the Liberal Party, which absolutely require that every act of Government should be based upon the faithful representation of the opinion of the majority, at all events of the majority of the constituent body. I am afraid the selection of such a Commission as this will produce the impression that the right hon. Gentleman is regardless of Irish opinion; that he intends to assume towards Ireland an autocratic bearing, and that our presence here as Representatives is useless. Now, Sir, there is no necessity whatever for an inquiry into the working of the Land Act of 1870. We all know that the

O'Connor) on the day of the polling, when under the eye of their landlords. If the right hon. Gentleman had sat for an Irish constituency—he did not know whether or not he would have been elected—he would have seen the different behaviour of the tenants when under the eye of their landlords, and when they felt themselves free. When he visited those men at their houses, they received him in the most open-hearted manner, and showed that their sympathies were fully with him as he was fighting their battle; but, on the day of the polling, when the agents of the landlords were present, they passed him without so much as a nod, for they were conscious that if the agents of their landlords saw them give him any sort of welcome they would have lost their holdings. Those were the people who would have to give evidence before this Commission. The Land Question was a matter of life and death to the Irish people, and upon the legislation which the Government would bring in upon this matter the fate of the Irish people depended. The fate of the Bill would depend upon the evidence which this Commission would receive, and that evidence would depend upon the character of the Commission. Therefore it was that he would press upon his hon. Friends not to be led away by the answer which they had received from the Treasury Bench. That Commission had been constituted by the Government originally in ignorance, and it was now defended by obstinacy.

MAJOR NOLAN said, that he considered the appointment of the hon. Member for the County of Cork (Mr. Shaw) upon that Commission to be an excellent appointment. He was returned by an overwhelming majority of his constituents, and there was very strong reason for appointing him. With regard to the O'Connor Don, they all knew that he was a man of great ability, and of the highest repute in his county as a very good landlord. Of the other three gentlemen he knew nothing whatever; but he certainly agreed with the hon. Member for Longford (Mr. Justin M'Carthy) for this reason—that the part of his case in which he said there ought to be one or two tenant farmers put upon the Commission had not been answered by the Government. He (Major Nolan) did not, for his part, quarrel with any

one of the present appointments; but he did think that they ought to be supplemented by one or two tenant farmers.

MR. DENIS O'CONNOR said, that he was anxious to say a word or two upon this subject. The hon. Member for Longford (Mr. Justin M'Carthy), in referring to his Relative the O'Connor Don, had said that he had distinguished himself as an avowed opponent of that scheme of land reform upon which the people of Ireland had set their hearts, and the hon. Member for Galway Borough (Mr. T. P. O'Connor) went a little further in his remarks upon the O'Connor Don, and spoke of him as the enemy of the cause of the tenant farmer. He (Mr. Denis O'Connor) was anxious to know upon what occasion the O'Connor Don had ever opposed land reforms upon which the Irish people had set their hearts. During the 20 years that he was a Member of that House, he (Mr. Denis O'Connor) ventured to say that on every occasion on which the interests of the tenant farmers were under consideration, the O'Connor Don was always an advocate for them, except on the single occasion of Mr. Butt's Bill. He opposed Mr. Butt's Bill; but that was scarcely a land reform upon which the Irish people had set their hearts. The hon. Member for Galway Borough went on to describe the hon. Member for County Cork (Mr. Shaw) as being at low-water mark upon the question of land reform, and stated that the hon. Member for Cork City (Mr. Parnell) represented high-water mark. The hon. Member representing low-water mark had, however, supported the Bill of Mr. Butt, while the hon. Member for the City of Cork, who, it was said, stood at high-water mark, had denounced the Bill of Mr. Butt in the strongest terms, and it was for opposing that very Bill, which had been condemned by the hon. Member for the City of Cork, that the O'Connor Don was now denounced. At the large land meetings in the West of Ireland, language much stronger than that used by the O'Connor Don was made use of with regard to Mr. Butt's Bill. Therefore, he thought it was most unfair to say that because the O'Connor Don opposed Mr. Butt's Bill he was opposed to the views of the tenant farmers of Ireland. They knew that the movement of the hon. Member for the City of Cork (Mr. Parnell) was one in favour of pur-

system bearable. This gentleman had nothing to say about transplanting, or the rotation of crops. No; the great measure, in his opinion, to be recommended is emigration. The landlords and agents are to root out the people, and the State is then to pay for carting or shipping them away. I am sure the very cats in Kerry will laugh when they hear that Mr. Hussey has been called in to advise upon what had best be done for the tenant farmers. Sir, because I believe that this Commission, as constituted, will principally occupy itself with taking evidence from men sharing the views of Mr. Hussey. I shall vote for the Motion of my hon. Friend the Member for Longford. It must be in the recollection of the House that during the debates on the Compensation for Disturbance (Ireland) Bill a letter was read from Mr. Hussey, declaring the passing of that measure would render the collection of rent impossible. To invite the opinions of such men is nothing short of mockery.

THE MARQUESS OF HARTINGTON said, he was not surprised that the hon. Member for Tralee (the O'Donoghue) objected to the composition of the Commission, seeing that with him the failure of the Land Act was a foregone conclusion. To some minds the conclusion was not so absolutely certain that the Land Act had failed, or that it had not, and it was in solving that question that the Commission was expected to be useful. The speeches attacking the Commission had all been pervaded by a fallacious supposition—namely, that the Government looked to Baron Dowse or the other Members of the Commission for a comprehensive scheme of land reform. If the Government thought fit to bring forward a comprehensive scheme of land reform, they must do so on their own responsibility, and not on that of a Royal Commission, however composed. What they wanted, meanwhile, was facts. For the last four years there had been almost continuous debates on the Irish Land Question. On the one hand, they heard it asserted that no such thing existed in Ireland as security of tenure or compensation for improvements, and that the present system was impoverishing the country. On the other hand, they heard these assertions denied with as much force as they were made. The result was that neither the House nor the Go-

vernment could arrive at any certain conclusion in the matter. What could be more advisable, under these circumstances, than to ask a set of honest and impartial men to make inquiry on the spot, and to report the facts brought under their notice? That was the object of the Commission, and not, as the hon. Member for Longford (Mr. Justin M'Carthy) seemed to suppose, the elaboration of a comprehensive scheme of land reform. It was said the Commission would not command the confidence of the people of Ireland. Well, that was a question which it seemed to him the House would do well to leave to the Government on its own responsibility. No doubt the information to be collected by the Commission would be valuable to the House and to the country at large; but those most interested in it were the Government themselves. No one, surely, could suppose that the Government would deliberately send to inquire into the Land Question in Ireland a body of men who, in their opinion, did not command the confidence of the country. Nothing could be more unsatisfactory than the discussions which constantly arose in that House as to the composition of Committees and Commissions. It seemed to him that a great deal too much confidence was attached to the nomination of gentlemen who were supposed to represent the special opinions or special interests. He did not think those special opinions or special interests ever gained much from the nomination of their avowed advocates. What was wanted for the purpose of an inquiry was influential and sensible persons. Something was said about a Commission of a judicial character. That, however, would involve the appointment of men who had no previous knowledge of the subject, and who would find it difficult to direct their inquiry so as to elicit the information which was really desirable. What the Government had endeavoured to do was to place upon the Commission men who had an intimate knowledge of the Land Question, and whose impartiality, honesty, and judgment could be relied upon. He might remind the House that the Devon Farmers' Commission of 1843-5, whose Report had been, up to the present time, the most authentic source of information on the Land Question in Ireland, was a small Commission, and was by no means constituted in ac-

asked to extend the scope of their inquiry. Had they done so, it would have given great satisfaction, for it was a Commission upon which the tenant farmers of England and Ireland were placed, and their opinions upon the subject would have had much more effect in framing and carrying a larger measure of tenant right for Ireland than a Commission like this. The hon. Member for Galway (Mr. T. P. O'Connor) had referred to what he called representatives of the low-water mark. He (Mr. Callan) should like to know what high-water mark was on this subject? Knowing the opinions of the tenant farmers as he did, he had no hesitation in saying that the hon. Member for the County Cork (Mr. Shaw) represented the highest water-mark of the intelligent opinion of the tenant farmers in Ireland—namely, fixity of tenure at fair rents. For the reasons he had given, he should vote for the Motion of the hon. Member for Longford. He thought there was no good cause for the appointment of the Commission; but as it was already in existence, there could be no doubt that Representatives of the tenant farmers ought to be placed upon it.

MR. O'CONNOR POWER said, that he did not wish to detain the House long from a division upon the subject; but he must join his hon. Friend the Member for the Borough of Galway (Mr. T. P. O'Connor) in expressing his surprise at the speech delivered by the noble Lord the temporary Leader of the House (the Marquess of Hartington). The speech of the noble Lord was in direct antagonism to the opinions that had been expressed both by the Prime Minister, and also by the right hon. Gentleman the Chief Secretary for Ireland. On the distinct understanding that the Government was obliged to bring in a large scheme of land reform for Ireland, one excuse put forward was that they must wait a Session; but no mention was to be found of any measure in the Queen's Speech, and the reason for that was stated to be that the Government had only recently come into Office, and the question was too large to be dealt with in a comprehensive manner at that time, and that they would have to deal with it later. The hon. Member for the County Longford (Mr. Justin M'Carthy) had advocated his Motion in so clear, and convincing, and logical a manner, that he (Mr. O'Connor Power),

in common with the Seconder of the Motion, thought that it was not necessary that he should say anything further in its defence. He really expected that the right hon. Gentleman the Chief Secretary would acknowledge the convincing argument brought forward in the speech of his hon. Friend. He must say that the defence made by the right hon. Gentleman the Chief Secretary for Ireland for the constitution of the Commission was, in his (Mr. O'Connor Power's) judgment, a very weak defence, and that his arguments were most inconclusive. The point he dwelt upon was this—the Government appointed the Gentlemen without regard to the fact that they were landlords. But the Government ought to have considered that. The fact of there being landlords, and exclusively landlords, upon that Commission, affected most materially the confidence which the people of Ireland would extend to the Commission. Reference was also made to the great value of having Mr. Baron Dowse as an eminent legal authority upon the Commission. It would have been better from that point of view that one of the County Court Judges, instead of a Judge of the Superior Court, should have been made a Member of the Commission. The County Court Judge was the person appointed under the Land Act for carrying out its machinery. He was the central figure in the Land Act, and was most likely to be best acquainted with its provisions. It was not a legal authority of the character of Mr. Baron Dowse that had been called upon to take a leading part in the work of this Commission, but a Gentleman who, as the hon. Member for the Borough of Galway had shown, had forfeited the confidence of the tenant farmers in consequence of the assistance that he gave in passing the Land Act of 1870. There was just one point in the speech of the hon. Member for Tyrone (Mr. Litton) which he would ask leave to notice. He was very much surprised to find a sturdy Ulster man condemning the action of the Government, and yet supporting them in it. The hon. Member seemed to think that, since the measure which had been introduced by the Government had been rejected in "another place," they should give up everything. Anyone who knew the history of that "other place" would remember the number of

Mr. T. P. O'CONNOR regretted that the speech which hon. Members had just heard from the noble Marquess (the Marquess of Hartington) had not been made at an hour when it would have found its way into the Press. The noble Marquess had told them the Government did not expect a large scheme of reform from the Commission. He hoped the Irish Members would take note of the fact, and also those hon. Gentlemen who represented English constituencies in the Radical interest. The noble Marquess was unpledged to any large scheme of reform in the Land Question, and it could not be too well understood that his functions were to minimize all efforts in that direction. He spoke of the Commission as impartial and judicial. Was he oblivious of the fact that it was composed of well-known partizans, and that the tenant farmers would find in it not a Bench of Judges, but a whole Bar of Counsel arrayed against them? That was the idea in the mind of the noble Marquess—that the Commission was just, impartial, and judicial in its character. The right hon. Gentleman the Chief Secretary for Ireland claimed to have acted in this matter with good intentions. He (Mr. T. P. O'Connor) had not the slightest doubt that the intentions of the right hon. Gentleman were good; and if his good intentions were only helped by a little knowledge, he had no doubt that he would have acted very wisely. But the fact was, he did not suppose the right hon. Gentleman knew what he was doing when he appointed that Commission. Could they imagine any better means of raising dissatisfaction amongst the Irish people and fore-dooming this Commission to failure, and fore-dooming the legislation which would be based upon it also, than the course the right hon. Gentleman had taken? The right hon. Gentleman had mentioned the fact that only one Member of the Commission was a Conservative. But of the two enemies of the Bill, the Liberal and the Tory, the most bitter enemy was the Liberal; the bitterest enemies to the Bill were Liberals, and the most fatal clause of the Irish Land Act came from the Liberals, who were supposed to be its friends. With regard to the O'Connor Don, for whom, personally, he (Mr. T. P. O'Connor) felt the deepest respect as a Gentleman, who

was an honour to his country, he thought he was, upon this question, one of the most bitter enemies they had, and a great deal worse than Mr. Kavanagh. As to Baron Dowse, it was he who consented to the Amendment of the Irish Land Act of 1870, which took away the Irish Custom from Ulster. It was Mr. Baron Dowse who allowed the word "customs" to be substituted for "custom," and that allowed the real Ulster Custom to be reduced to a nullity; while, if it had been retained, it would have produced untold benefit to the people of Ulster. He thought, therefore, the people of Ulster had a good right to regard Mr. Baron Dowse as the most bitter enemy of the Ulster Custom. Lord Beaconsborough had been spoken of in terms of praise which he fully deserved; but in what way had he spent a considerable part of his life? He had been the agent of Lord Fitzwilliam, an absentee landlord who drew about £70,000 a-year from the Irish people. With regard to the hon. Member for the County Cork (Mr. Shaw), they had a good deal of confidence in him; but, as he ventured to say, a remark respecting him had been quoted by the hon. Member for Longford that he represented low water-mark in this matter, instead of high water. Accordingly, in choosing this Commission, which the noble Marquess (the Marquess of Hartington) said was to come to an impartial and judicial conclusion, the Government, he would not say deliberately, but in the fulness of its ignorance, had selected for the Members of the Commission the bitterest enemy of the Irish tenant farmers. If they looked at the effect that that Commission was to take upon the legislation, it would be seen that the Commission would have a most important effect upon it. He was sure that the minds of the Government were a perfect blank upon the Irish Land Question; indeed, he thought that the mind of the right hon. Gentleman the Chief Secretary for Ireland was a perfect blank upon most questions affecting Ireland. Who were the witnesses that would be examined upon the subject? They were people who, from a consciousness of the oppression through which they had passed, were, in some respects, the most disinterested witnesses in the world. He thought the right hon. Gentleman to say that some of his friends had been deceived by him (Mr. T. P.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time *To-morrow*, at Two of the clock.

#### EXPIRING LAWS CONTINUANCE BILL.

(*Mr. John Holms, Lord Frederick Cavendish.*)

[BILL 297.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Frederick Cavendish.*)

MR. J. G. TALBOT expressed his regret that the Government should have introduced into the Bill so important a subject as the renewal of the Ballot Act. There was a strong feeling on that side of the House that that was a question which deserved more consideration than could be given to it in that form.

LORD FREDERICK CAVENDISH said, he saw no valid objection why the Bill should not have been included.

MR. WARTON observed, that one of the many nights wasted over the Compensation for Disturbance (Ireland) Bill would have been occupied much more profitably in considering the Ballot Act, which was a subject of very great importance, and had been mentioned in the Queen's Speech. The conduct of the Government in regard to the Ballot Act had been, he must say, most ridiculous. It reminded him of the story of the blacksmith's son, who attempted vainly to make a horse shoe, then a horse-shoe nail, and who ultimately congratulated himself on being able, at least, to make the hot iron hiss in water. The House had been promised an opportunity of discussing the Ballot Act, and he thought it ought to have it.

Second Reading *deferred till To-morrow*, at Two of the clock.

#### RAILWAY CONSTRUCTION FACILITIES ACT AMENDMENT BILL.

(*Major Nolan, Mr. Mitchell Henry, Captain O'Shea.*)

[BILL 293.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

On the Motion of Mr. EVELYN ASHLEY, the following new clauses were

read a second time and added to the Bill:—

After Clause 2, insert the following Clause:—

"Notwithstanding anything to the contrary in the Railways Construction Facilities Act (twenty-seventh and twenty-eighth Victoria, chapter one hundred and twenty one, and the regulations scheduled thereto, the advertisements of the application may be made at any time, and may state that objections or representations must be made within twenty one days from the date of such advertisement, and any objection or representation not made within such period of twenty one days shall be deemed not to have been made within the period limited by the said Act."

After Clause 3, insert the following Clause:—

"All the provisions of the Railways Construction Facilities Act (twenty-seventh and twenty-eighth Victoria, chapter one hundred and twenty one), shall apply except when inconsistent with the provisions of this Act."

House *resumed*.

Bill *reported*.

MAJOR NOLAN asked that, as the Session was so far advanced, the next stage of the Bill should be taken then.

Motion made, and Question, "That the Bill, as amended, be now considered,"—(*Major Nolan*,)—put, and *agreed to*.

Bill, as amended, *considered*; to be read the third time *To-morrow*, at Two of the clock.

#### DRAINAGE AND IMPROVEMENT OF LAND (IRELAND) PROVISIONAL ORDER (NO. 4) BILL.

On Motion of Mr. JOHN HOLMS, Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, *ordered* to be brought in by Mr. JOHN HOLMS and Lord FREDERICK CAVENDISH.

Bill *presented*, and read the first time. [Bill 301.]

#### LAW OF EJECTMENT (IRELAND) BILL.

On Motion of Major NOLAN, Bill to amend the Law of Ejectment in Ireland, *ordered* to be brought in by Major NOLAN, Mr. A. M. SULLIVAN, and Mr. O'CONNOR POWER.

Bill *presented*, and read the first time. [Bill 302.]

House adjourned at a quarter after Three o'clock.



chasing the land of the landlords and making the tenants the owners. That view was put forward by the O'Connor Don in the same speech in which he opposed Mr. Butt's Bill, and he said that that was the principle on which the Irish Land Question ought to be settled. Therefore, to put him forward in that House as an enemy of the tenants, cause—as being a man likely to do injury to the tenant farmers of Ireland—was to put him in a most unfair light, and to go contrary to what everyone who knew him would say was the fact. Again, he was a Member of the Committee appointed on the "Bright Clauses" of the Land Act; and he would appeal to hon. Members who had served with the O'Connor Don upon that Committee, as to whether or not he was one who raised his voice in favour of the cause of the tenant farmer. On that point he had shown himself to be a friend of the tenant farmer, and it was most unfair to speak of him in the way in which he had been spoken of that night. Although he made these remarks in favour of his hon. Friend and Relative, he himself was strongly in favour of the Motion of the hon. Member for Longford. The people of Ireland had, in consequence of the speeches which had been made, misrepresenting the views of the O'Connor Don, a feeling that the tenant farmer class of Ireland was not represented on this Commission. That being so, there was not one Member besides the hon. Member for County Cork (Mr. Shaw) who would be, in their judgment, a Representative of the tenant farmer. It was said that the hon. Member for the County Cork was a landlord, and did not represent the views of the tenant class; but, on the other hand, he had been returned to speak for the tenant farmers, and in that sense was their Representative. The O'Connor Don had not been returned as a Representative of the views of the tenant farmers, or anyone else; but he had been put upon the Commission as one who had a thorough knowledge of the Land Question, and he could not, therefore, in any sense be said to be a Representative of the tenant farmers of Ireland. He agreed with the hon. Member in thinking that this Commission, whether it did good or harm, was still a matter of considerable importance, and that it should be constituted in a manner which

would give satisfaction to the great bulk of the people of Ireland. The noble Marquess (the Marquess of Hartington), referring to the Devon Commission, said that although there were no tenant farmer Representatives upon it, yet it collected a great deal of valuable evidence, and did good service to the tenant farmers' cause. But he would remind the noble Lord that the circumstances of the present day were very different from what they were then. What they had to look to was, whether this Commission had been appointed in the usual way that Commissions of the House were appointed. In that point of view, it would be found that the Commission, as to the great bulk of its Members, represented only one class. For that reason, he was most anxious that some Representative of the tenant farmers should be placed upon the Commission. He might say that the O'Connor Don was very anxious that that should be done, as he believed also was the hon. Member for the County Cork. He had not had any communication with the other Members of the Commission; but he had no doubt but that they would be highly delighted with the presence upon their board of Representatives of the tenant farmers. They would feel that it would be a great advantage to have someone who would command the confidence of the tenant farmers of Ireland upon the Commission, and who would aid them in deciding upon the proper course to be taken. Under those circumstances, he regretted very much the determination to which the Government had come, and so strongly did he feel upon the matter, that he should vote with his hon. Friend the Member for Longford.

MR. CALLAN said, that the Motion of the hon. Member for Longford (Mr. Justin M'Carthy) would receive his support; but he was sorry that the right hon. Gentleman the Chief Secretary for Ireland, and the noble Marquess (the Marquess of Hartington), had not adduced some good reason for the appointment of the Commission at all. Last year, the late Government appointed a Royal Commission to sit in Ireland to inquire into the Land Question. They were about to proceed to Ireland soon after the House rose to pursue their inquiries; and he very much regretted that that Royal Commission, which included many Members of that House, were not

not appear at first sight in the consideration of this question; that the objects for which our proceedings are watched, and the objects with which reports are taken, are very various in their character. The daily London Press, and some of the Provincial Press, desire to have a full and accurate report of all that takes place in your Lordships' House. On the other hand, there are other newspapers which are content with reporting, more or less fully, all the more important speeches in your Lordships' House. Again, there are newspapers and telegraph agencies which merely content themselves with recording the answers to important questions, and there is one agency which restricts its operations more especially to subjects which will interest foreign countries. When we talk of newspaper reporters having the use of the Gallery, it must be remembered that those who sit in that Gallery have not all the same objects, and that what suits one class of reporters is not required to the same extent by others, and the operation and mode of proceeding vary in several very important particulars. My Lords, in order that the public may be informed of what takes place in this House, there are two necessary requirements; one is, that the report should be speedily in the hands of the public; and the other is, that what takes place should be accurately reported. These two conditions—speed and accuracy of reporting—to some considerable extent conflict with each other. It is comparatively easy to do what is done in some foreign Assemblies—to have an official reporter take down word for word all that is said, transcribing that report at more or less leisure, either that night or the next morning. In the French Assembly, the official report is produced next day with considerable accuracy, and at considerable length; but at the sacrifice of that quality of speed to which I have referred. It is quite impossible, if you are to have an official and accurate report of all that takes place, that that report should be taken under such conditions as to enable the ordinary newspaper reporters to make use of it for publication the next morning. We next had it clearly in evidence that whatever arrangements might be made for taking an official and accurate report of what passes, many, if not all, the newspaper reporters in the Gallery would

decline, for various reasons, to avail themselves of that report. Therefore, if we do provide an official report, we have not provided those facilities which the newspaper reporters require, and it is in reference more particularly to the requirements of the newspaper reporters that the 1st Resolution which I submit is framed. That Resolution is—

“That the newspaper reporters should be placed on each side of the Peers' gallery under the two centre windows, the gallery now used by reporters being appropriated in lieu of the accommodation thus taken.”

I do not know whether your Lordships have given attention to the plans accompanying the Report of the Committee, or to the enlarged plan which has been in the Library. They show very clearly what is desired to be done. It is proposed that the seats in front of the two central windows should be allotted to newspaper reporters, and communication between the two Galleries can be carried on so speedily that no serious difficulty would arise in the reporters going from one side to the other, while upon the more important journals two reporters would probably be employed, one stationed on the one side of the House, and the other on the other. The communication between the two sides will not be so difficult as apprehended; and, therefore, that branch of the objections may be banished from your Lordships' consideration. The space which it is now proposed to take will be compensated by the Gallery now occupied by the reporters, and accommodation equal, in fact, and in some respects superior, to that now enjoyed by the distinguished occupants of the Gallery on either side will be given in the Reporters' Gallery. I do not know that I need explain all the plans on the subject. The *Corps Diplomatique* will have seats reserved on either side of the House, and the greater part of the seats now occupied by ladies will continue to be enjoyed by them; and in the Reporters' Gallery they will find ample accommodation of a superior quality to that proposed to be taken from them. I have pointed out the different objects which various classes of reporters require; and, no doubt, if the proposed alteration be made in the Gallery, we may hope for better reports than have been lately given. But, my Lords, the question has been raised of the defective arrangement of the House. I do not

## HOUSE OF LORDS,

Friday, 6th August, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Exchequer Bonds and Bills\*.

*Second Reading*—Kinsale Harbour\* (178).

*Second Reading*—Committee *negotiated*—Inland  
Revenue\* (177).

Committee—Artizans and Labourers Dwellings  
(Scotland) Provisional Order (Leith) (155).

*Third Reading*—Tramways Orders Confirmation  
(No. 2)\* (134); Courts of Justice Building  
Act (1865) Amendment\* (182); Merchant  
Shipping (Fees and Expenses)\* (165), and  
*passed*.

*Royal Assent*—Taxes Management [43 & 44  
*Vict. c. 19*]; Epping Forest [43 & 44 *Vict.*  
*c. cxxx*]; Metropolis Improvement Schemes  
Modification Provisional Order [43 & 44 *Vict.*  
*c. cxxxi*]; Local Government Provisional Or-  
ders (Eastbourne, &c.) [43 & 44 *Vict. c. cxxxii*];  
Inclosure Provisional Order (Llanfair Hills)  
[43 & 44 *Vict. c. cxxxiii*].

ARTIZANS AND LABOURERS DWELL-  
INGS (SCOTLAND) PROVISIONAL  
ORDER (LEITH) BILL.—(No. 155.)

(*The Viscount Enfield*.)

## COMMITTEE.

House in Committee (according to  
Order).

THE EARL OF FIFE moved, after  
Clause 1, page 1, to insert the following  
clause:—

"Upon acquiring but before altering the char-  
acter of any lands for the purposes of this Act  
which are held of the Lord Provost, Magis-  
trates, and Town Council of Edinburgh (herein-  
after called the Corporation of Edinburgh) as  
superiors thereof, notice shall be given by the  
Town Council of Leith to the said Corporation  
of Edinburgh, as superiors aforesaid, that such  
lands have been so acquired, and thereupon the  
said Corporation of Edinburgh shall exercise  
the right to call upon the Town Council of  
Leith to redeem the feu duties and casualties  
of superiority due or to become due to them in  
respect of such lands so acquired under the pro-  
visions of the Lands Clauses Consolidation  
(Scotland) Act, 1845, as altered and amended by  
the Artizans and Labourers Dwellings Improve-  
ment (Scotland) Acts, 1875 and 1880, and on  
the terms of redemption, in so far as regards  
the amount of compensation, provided by the  
Conveyancing (Scotland) Act, 1874, with refer-  
ence to the redemption of casualties by vassals  
and the annual value of the said lands (when it  
forms the basis of the redemption price) shall  
be held to be the annual value thereof as appear-  
ing on the valuation roll in force at the period  
of the acquisition or such lands."

Clause *agreed to*.

Amendments made; the Report  
thereof to be received on *Monday* next.

REPORTING IN THE HOUSE OF LORDS  
—REPORT OF THE SELECT COM-  
MITTEE.—RESOLUTIONS.

EARL BEAUCHAMP, in rising to call  
attention to the Second Report of the  
Select Committee on Reporting, and to  
move—

"1. That the newspaper reporters should be  
placed on each side of the Peers' gallery under  
the two centre windows, the gallery now used by  
reporters being appropriated in lieu of the ac-  
commodation thus taken.

"2. That Mr. Hansard be authorized to take  
an accurate report with his own shorthand  
writers, to be circulated according to the plan  
and on the terms proposed by him.

"3. That Mr. Hansard's reporter be permitted  
to occupy a small movable table on the floor of  
the House."

said: My Lords, the Motion which I  
propose to move embodies the result of  
the deliberations of the Committee which  
your Lordships appointed in the course  
of the present Session. Your Lordships  
will remember that, in a former Report,  
that Committee recommended certain ex-  
periments. Two of those experiments  
were accepted and tried, and you de-  
clined to accede to the daring proposition  
contained in the third. The result of  
those two experiments was certainly such  
as to induce us to abandon all idea that  
any advantage would be derived from  
pursuing them further. The Resolutions  
which I now have to submit to your  
Lordships are of an entirely different  
class and character. It was suggested  
in the course of the debate which then  
took place, by the noble Duke the Lord  
Privy Seal (the Duke of Argyll), that  
the reporters might be placed in the  
middle of the Galleries on either side  
of the House. That proposition had  
received some consideration; but the  
difficulties connected with it appeared  
to be so great that the Committee had  
not entertained it with favour. The  
notice it received in this House, how-  
ever, induced the Committee to turn  
their attention again to the subject, and  
to endeavour to ascertain how far such  
a plan would be reasonable. It was  
found that some of the objections enter-  
tained really disappeared when tested by  
practice. It is difficult to gain an opinion  
on this point from a body of men of such  
diverse character and opinions as the  
various classes of reporters; but I think  
I may say that the proposition was re-  
ceived with favour by them. I wish  
your Lordships to understand what does

not appear at first sight in the consideration of this question; that the objects for which our proceedings are watched, and the objects with which reports are taken, are very various in their character. The daily London Press, and some of the Provincial Press, desire to have a full and accurate report of all that takes place in your Lordships' House. On the other hand, there are other newspapers which are content with reporting, more or less fully, all the more important speeches in your Lordships' House. Again, there are newspapers and telegraph agencies which merely content themselves with recording the answers to important questions, and there is one agency which restricts its operations more especially to subjects which will interest foreign countries. When we talk of newspaper reporters having the use of the Gallery, it must be remembered that those who sit in that Gallery have not all the same objects, and that what suits one class of reporters is not required to the same extent by others, and the operation and mode of proceeding vary in several very important particulars. My Lords, in order that the public may be informed of what takes place in this House, there are two necessary requirements; one is, that the report should be speedily in the hands of the public; and the other is, that what takes place should be accurately reported. These two conditions—speed and accuracy of reporting—to some considerable extent conflict with each other. It is comparatively easy to do what is done in some foreign Assemblies—to have an official reporter take down word for word all that is said, transcribing that report at more or less leisure, either that night or the next morning. In the French Assembly, the official report is produced next day with considerable accuracy, and at considerable length; but at the sacrifice of that quality of speed to which I have referred. It is quite impossible, if you are to have an official and accurate report of all that takes place, that that report should be taken under such conditions as to enable the ordinary newspaper reporters to make use of it for publication the next morning. We next had it clearly in evidence that whatever arrangements might be made for taking an official and accurate report of what passes, many, if not all, the newspaper reporters in the Gallery would

decline, for various reasons, to avail themselves of that report. Therefore, if we do provide an official report, we have not provided those facilities which the newspaper reporters require, and it is in reference more particularly to the requirements of the newspaper reporters that the 1st Resolution which I submit is framed. That Resolution is—

“That the newspaper reporters should be placed on each side of the Peers' gallery under the two centre windows, the gallery now used by reporters being appropriated in lieu of the accommodation thus taken.”

I do not know whether your Lordships have given attention to the plans accompanying the Report of the Committee, or to the enlarged plan which has been in the Library. They show very clearly what is desired to be done. It is proposed that the seats in front of the two central windows should be allotted to newspaper reporters, and communication between the two Galleries can be carried on so speedily that no serious difficulty would arise in the reporters going from one side to the other, while upon the more important journals two reporters would probably be employed, one stationed on the one side of the House, and the other on the other. The communication between the two sides will not be so difficult as apprehended; and, therefore, that branch of the objections may be banished from your Lordships' consideration. The space which it is now proposed to take will be compensated by the Gallery now occupied by the reporters, and accommodation equal, in fact, and in some respects superior, to that now enjoyed by the distinguished occupants of the Gallery on either side will be given in the Reporters' Gallery. I do not know that I need explain all the plans on the subject. The *Corps Diplomatique* will have seats reserved on either side of the House, and the greater part of the seats now occupied by ladies will continue to be enjoyed by them; and in the Reporters' Gallery they will find ample accommodation of a superior quality to that proposed to be taken from them. I have pointed out the different objects which various classes of reporters require; and, no doubt, if the proposed alteration be made in the Gallery, we may hope for better reports than have been lately given. But, my Lords, the question has been raised of the defective arrangement of the House. I do not

think the blame of that rests entirely there. I think it is quite within your Lordships' power, by maintaining greater order, to secure that the buzz of conversation at the Bar, and round the Throne, might be very much diminished. I do not know this of my personal knowledge; but, in conversation, I am informed that some years ago some Members were appointed to exercise some supervision over various matters of Order. I am quite sure that if noble Lords were appointed to that office now, they would find ample opportunity for exercising their energies in the disorderly elements congregated on both sides of the House. I do not think sufficient care is exercised in the admission of persons who are not entitled to admission. I have seen persons on the Throne who were not entitled to be there, and I believe it is matter of notoriety that persons do find their way to the Bar in a similar manner. If either the noble Earl the Chairman of Committees, or some other Member of this House, will turn his attention to maintaining Order, and to enforcing the Rules you have laid down, I think that some decided amelioration would follow, and the speeches in this House would be more carefully followed and more generally heard. At the same time, I am also bound to say there are noble Lords who inform me that they have seen, during interesting speeches, some Members of the Reporters' Gallery paying very little attention to what goes on. That is a matter which I do not presume to enter into; but, certainly, that remark has been made, and I am bound to say that it must be taken for what it is worth. So much for the 1st Resolution. As to the 2nd Resolution, I may say that there is some typographical alteration. I proposed the Resolution in the following words:—

"That Mr. Hansard be authorized to employ his own shorthand writer to take an accurate report to be circulated according to the plan and on the terms proposed by him."

Mr. Hansard has given great attention to this question both in regard to the House of Commons and the House of Lords; and I may remind your Lordships that the House of Commons has complained very much of the defects in reporting their proceedings, and measures were taken on the proposition of the noble Lord who moved this Committee (Lord Sudeley), when he was a

Member of the House of Commons. That Committee made a Report which was adopted, and they have now a system of reporting in that House. The proposition which they made was very much assisted by the advice and evidence and recommendations of Mr. Hansard, and they were adopted in reference to the House of Commons. It is due to him to mention that he brings to bear on this subject a long experience of the improvements suggested by the House of Commons, and which have been found to work exceedingly well. His propositions were four in number. The differences were not very great; but the one which recommended itself to the Committee is the 3rd proposition which will be found in the Appendix, page 91. The plan proposed by Mr. Hansard in that scheme is a full report of each night's debate, unrevised, to be delivered to Peers, Members, and at the Public Offices, at 11 o'clock the following morning. Should the debate be continued beyond 9 P.M. the publication to be deferred to 5 P.M. Proofs of each speech to be laid upon the Table of the revising room at the House of Lords at 11 o'clock in the morning after debate, and to be collected at 8 o'clock the same evening. The cost for 2,000 copies is estimated at £4,700. My Lords, I think the advantage of that scheme will be obvious. I have already pointed out the different objects that are pursued by those who occupy the Reporters' Gallery. The object proposed by Mr. Hansard is entirely of a different character. Instead of providing a report suited merely to those who read, he will report what actually takes place. We have had it in evidence before the Committee that various newspaper reporters apply themselves to reporting the proceedings upon particular subjects suited to their various readers. For instance, the Irish Press takes more interest in reporting more fully debates on Irish affairs; whilst Scotch papers, in the same manner, give a more complete account of the affairs of Scotland; and so with regard to other portions of the public Press. But Mr. Hansard would, of course, be influenced by no such motives. He would record what took place, and would free the remarks of your Lordships from that redundant verbiage which occurs in all speeches. There are very few speeches which would bear to be taken down and printed as spoken; but, at the same time, that

*Earl Beauchamp*

would be a very simple process of revision, preserving the exact language of the speech in the written report. The discretion with which Mr. Hansard has exercised his powers in that respect in the House of Commons shows that we shall be very safe in leaving that matter in his hands. In this manner we really gain the advantage of an official system of reporting, without its responsibility. We gain also the advantage of speed, which is scarcely attained by any system under which the debates have to be revised and published under the authority of your Lordships. I do not know that I need say more with regard to this proposal of Mr. Hansard's; but, with reference to my 3rd Resolution, I may, perhaps, be allowed to urge very strongly that if we are to have such a Report as is proposed by Mr. Hansard, it will be very desirable indeed that the reporter should be placed near the Speaker. There is very great difference with regard to the audibility and resonance of voice with various Members. Some are heard easily; others with difficulty; and it would be certainly almost impossible, however great the advantages of the new system over that which at present obtains, for Mr. Hansard to take an accurate report unless he has a place on the floor of the House in a central position, so that he may hear what takes place without difficulty. There is a great deal of very curious and interesting evidence in the Report with reference to the ease with which the reporter reports when he can easily hear, and the facility with which he then transcribes his notes, compared with the work thrown on the reporter who has considerable difficulty in hearing, and who has to "botch up" the speech. That involves more time than if he had the utmost facilities in hearing what was said without any strain of his hearing. Your Lordships must understand, of course, that reporting is one of the most complicated operations of the mind. You have first to hear; you have then to judge; you have, necessarily, to some extent, to condense as you write down; and, at the same time, while you are condensing, you have to listen to what is going on. That is one of the most difficult possible operations to perform correctly. I think, therefore, if we desire to obtain fairly accurate reports, we ought to give those facilities which a small table on the

floor would give. Various suggestions were made as to the position of the table. One plan suggested was that it might be behind the clerks; another, behind the noble Earl the Chairman of Committees. Either of those plans might be arranged with advantage; and, certainly, as regards the Cross Benches, I think no inconvenience would follow if they were put down against the canopy which divides the House from the Bar. Additional places would be given without interfering with, or inconveniencing, noble Lords, and we should obtain space for the table beneath the Galleries; or, on the other hand, a table might be provided for the reporter behind the Wool-sack. I think that is a point your Lordships may leave to the Committee, for we are anxious not to overburden our Report. I think I have now touched upon the principal matters mentioned in the Report. I think the plan proposed will give the greatest amount of information to the public, both as regards reporters and the official report, which we propose shall be distributed among the Members. Therefore, I beg leave to move your Lordships to accede to the Resolution on the Table.

*Moved to resolve,*

"That the newspaper reporters be placed on each side of the Peers' gallery under the two centre windows, the gallery now used by reporters being appropriated in lieu of the accommodation thus taken."—(*The Earl Beauchamp.*)

**THE DUKE OF SOMERSET:** Your Lordships have now had two Reports from the Committee. The 1st Report was to advance the Gallery and to make arrangements at that end of the House. That has been tried, and it has been found to be unsuccessful.

**EARL BEAUCHAMP:** The Committee recommended it as an experiment.

**THE DUKE OF SOMERSET:** Quite so; the Committee recommended it as an experiment, and they say the experiment has failed. Well, then, the Committee made a 2nd Report, and in that they travel very wide from the first subject, because they enter upon a totally different question—whether there could not be an official, or what they called a semi-official, report. That is a totally different thing from the question of the reporters being able to hear in this House. With regard to the 1st Resolution, as to the reports, it is proposed to

put the reporters, as I understand, on the two sides of the House in the centre of the Galleries. Well, my Lords, I believe that would be a great advantage for the purpose of hearing. I do not understand exactly how the reporters are to go from one side to the other; it is said they can do that in a short time. I do not know whether they are to go across, or whether they are to go round, or whether they would be shot across to the other side. How, when a reporter has finished taking the speech of a Minister, is he to be sent across to hear the Opposition? I do not understand the plan. In other respects, the arrangement will be a good one. Then there is another proposition—that we should have an official or semi-official report. My own opinion is, that it would be very unwise to attempt anything of that kind. I think the general opinion has always been against making ourselves responsible for an exact official report. We know that in this Assembly, as in others, there are many desultory conversations; questions are thrown backwards and forwards like shuttlecocks, and it would be very inconvenient to have every little word that is uttered put down with precision. Often, the accurate report has its objections. I should pity the Minister who was bound down exactly to his words. Words used in the heat of passion ought not to be brought up against them. I know cases where Ministers have said—"I throw *Hansard* aside altogether." I believe *Hansard* often is a great inconvenience. The official report would be, I think, a very undesirable thing, and I think we had better rely on the newspapers giving a fair report of the conversations that pass in this House. I believe that to go beyond that would be unwise. I shall, therefore, support the 1st Resolution, so far as I am concerned; but when we come to the 2nd and 3rd, I should be for postponing them to some future time. The only evidence upon which they rest, so far as I can see, is the evidence of the noble Marquess (the Marquess of Salisbury), who has pointed out that he has made speeches in this House and has been misinterpreted. Well, everybody can say that. But he could have sent to the paper, as other Ministers have done, the next day, a short note which is always inserted. I believe that

an error has been made, and that would be a far safer course than attempting to bring in what is quite new, an official report, required to be published next day. A Minister could go down, I understand, to read over his speech and improve, or alter it, or put down what he thought he might have said. I would recommend the House to agree only to the 1st Resolution.

LORD DENMAN said, that the Resolutions ought not to be carried in so thin a House. He (Lord Denman) deprecated the notion that responsibility attached either there, or across the sea, to reports of newspapers. Her Majesty granted full liberty of speech in Parliament; but that did not authorize anyone to report libels. Mr. Hansard had wisely omitted words spoken at Queen Caroline's trial; but his noble and lamented Relative had in his own hand written, in his copy of *Hansard's Debates*, the words "Thou slanderer"—applied to the then Heir Presumptive (afterwards William IV.), who forgave the expression. Facts and figures had, in the debate on the Compensation for Disturbance (Ireland) Bill, been pronounced fallacious, and there were few "downright facts." The best reports deserved little more notice than the reports of Dr. Johnson, which were his own from memory. He (Lord Denman) found, in the evidence before the Select Committee, that the back of the Strangers' Gallery was a better place for hearing than the Reporters' Gallery. On one occasion when he vindicated the late Lord St. Leonards from an imputation of injustice, he being anxious for a private report to show to the old man, who thought himself injured, engaged a gentleman from Mr. Cherrers, a reporter of special cases in the different Courts, to furnish a report, and gave him a ticket for the Strangers' Gallery; but the shorthand writer was refused admission to the Reporters' Gallery; and, when he went into the Strangers' Gallery, was told that he could not be allowed to use a pencil. He (Lord Denman) would like to test that regulation with a view to the future. He had great respect for reporters; but as their attention was divided between the mechanical attempt at reporting the words and attention to the subject being debated, he was reminded of his noble father's opinion, that he would rather rely on an advo-

cate for a legal report than trust to the accuracy of a shorthand writer. There was this objection to official reports—that if you corrected any one part, all that you did not touch was taken to be correct. There was no such difficulty attending the correction of *Hansard*. Mr. Hansard never put in his reports anything but what was said; and if there was any inaccuracy and it was pointed out, the correction was duly attended to. Their Lordships should remember that it was at present a Breach of Privilege to report anything that was said in their Lordships' House; and, therefore, to authorize Mr. Hansard to take reports of their debates was a change of a very important character indeed. He would also observe that the alteration proposed in the 2nd and 3rd Resolutions was not merely an experiment, but was of a permanent character. He thought the Resolutions should have been proposed separately; but if they were pressed, he should move the Previous Question.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES): My Lords, I disagree with the Report brought before us, and the Resolution we are called upon to adopt. In the first place, I object to bringing these reports into the House. The Gallery is part of the House, and the centre part of it is specially reserved for Members of your Lordships' House. Lately, ladies have been allowed in it, and I am sure that every person who attended in this House on Tuesday must be satisfied that the House is not able to afford seats for all Peers who attended on that occasion, and should another case, such as a Queen's trial or Hastings' trial arise, as it would be no longer possible to transfer it to Westminster Hall, it would be impossible to find room for the Peers without their occupying places in the Gallery. Now, I say, we cannot possibly give up that part of the House to any other persons at all; and, therefore, we ought not to allow those portions of the Gallery to be taken from us, as they would be if given to the reporters. We could not transfer them when once they were put there to anywhere else. It would be highly inexpedient on so short a consideration, with so limited an attendance, to come to a conclusion to bring any other person than ourselves into the body of the House, which would be the practical effect of the proposed alteration. With regard to the question

of reporting, I must say I do think there has been a great deal more said against the manner in which the speeches are reported than it deserves. Upon the whole, I think we are very fairly reported. There is one thing I regret—that those who suffer with regard to the interruption from noise in the House are too fond of attributing it to those who are seated on the steps of the Throne or below the Bar. I am sorry to say the great interruption arises from the manner in which we, or many of us, converse among ourselves, in a great deal too loud a voice while a debate is going on, and a Peer is speaking. If more quiet was kept on our own Benches it would be far easier to take an accurate report. With regard to what is proposed by Mr. Hansard, I think his reports are very valuable, far more valuable than they would be if done in the way proposed by this Report. The way we get them now is—that he has the advantage of newspaper reports which his own reporters take. ["No, no!"] Whatever way it is done, he draws up actually a very fair and accurate report of what takes place; and any speech of any importance is, I believe, always sent to the noble Lord who delivers it, to correct in any manner he thinks desirable. That is a very different thing from what we are asked to agree to now. We are asked to revise, the same evening, the speeches we have made on that evening, and the revised report is to go out with that correction. And it is to be what is called semi, or demi-official reporting. I think it will not be desirable in that way to have any such report. I think the reports, as a whole, are very fairly and honestly given to the public; and, though I do not know what is the plan in the House of Commons, we hear that they have some report of this sort. But I will undertake to say that 999 out of every 1,000 of the people who read the debates never read anything but what is in the newspaper of the day; and it is only when you want to refer to some particular matter, time, and place, that you go to *Hansard* for another, and generally more accurate, report. I think that is now obtained by what he gives us, and that we should do much better to be content with that, and not go further, particularly as I see, in the conclusion of the Report, the lowest item he gives of his



expenses will be £10,000. [A noble LORD: 5,000.] But if something else is done it will bring it up to £10,000. [A noble LORD: £4,700.] I thought there would be additions. ["No, no!"] Now, the other House, which jealously looks after the expenditure, complains very much of the expenditure of our House, which is fairly and economically conducted; but I cannot think there will be any advantage in adding £5,000 to our expenses by what is proposed to be given in the Resolutions. I think, altogether, the plan which is proposed is one that ought not to be adopted without far more consideration than a debate on a Report which has been before us only two or three days. I have a longer experience than most Members, and I have never found any good reason for complaining of the manner in which the Business of the House, and what takes place in the House, is reported. I hope, therefore, you will not, in any hasty manner, come to a conclusion which will alter altogether what has been always our practice. With regard to putting a gentleman, who is not a Member of the House, in the House, with a little table and a little book, I confess I should not like him to hear everything that might be said by one Peer to another, merely for the purpose of obtaining a report of a superior character in some respects. Those people who really have a voice in the House are most perfectly and fairly reported, and I think it would be very unwise to agree to any alteration.

LORD SUDELEY: My Lords, having served on the Committee, I will, with the permission of your Lordships, answer two or three of the criticisms which have been made. The noble Duke who spoke first (the Duke of Somerset) seemed to object very much to our first Report, and appeared to think that we had gone on a totally different line in the second, and had not considered much that was suggested in the first. The real fact was, that the Committee thought certain proposals which had been made might be experimented upon whilst they were still continuing to take evidence—and, therefore, they made a preliminary Report. The noble Duke, I think, approves of our first proposal to-day; but he disapproves very much of the second and third, and objects to a semi-official report. Well, I fear that, perhaps, there

is one evil which might attend our throwing out the proposal for a full, semi-official Report, and that is, that we might lose the record of some of the humorous speeches which the noble Duke very often makes. There is no doubt that the semi-official reporter would give reports of our debates which are now altogether lost. Frequently, in Committee of the Whole House on most important subjects, our debates are entirely lost, and the outside public never hear about them, as the newspapers do not report the discussion that takes place when Bills are passing through Committee. Surely, we hardly do justice to ourselves if we allow this state of things to continue. In the other House, it was found that the reports of Committees were not made sufficiently full, and that is one of the agreements with Mr. Hansard, as regards the other House, that he shall report, very fully, everything done in Committee. Very often Peers bring to bear in Committee great practical knowledge on the details of measures; but I fear that there are very many who would like to make remarks in Committee, but are induced to remain silent, feeling how little use it is saying anything. The noble Duke appeared very much afraid that the reporters would not get from one side to the other. I saw the experiment tried, and there is no doubt the reporters can run round in 40 seconds; and though there might be a little difficulty at first when speakers got up from the opposite side, as a matter of fact I think the reporters would soon overcome it and settle down and ask their neighbours to take a few notes while they ran round. That would soon right itself, and the reporters would be only too delighted to get so good a place to hear from. It must be remembered that, on the plan suggested by the Committee, there will be as much accommodation on each side as there now is in the Reporters' Gallery, so that if they prefer they can all sit on one side, and there will be no necessity to change from one side to the other unless they specially desire to do so. The noble Earl the Chairman of Committees objects to the whole of the propositions. He says they are utterly useless, and great innovations. My Lords, it may be a great innovation; but, with all deference to the noble Earl, I venture to think it will be a very good innovation. Is it

right that your Lordships should continue to allow the country to remain in ignorance of what you do, and that you should encourage the idea that very little is done, because you sit only a short time. The work is not hurriedly passed through, and the details of the legislation ought not to be hid and kept back. I think the Committee have done wisely in making these propositions. The noble Earl said that the Galleries were now wanted for Peers; and if taken away Peers would have less seats than at present. But, my Lords, the recommendation is, that the seats taken away at each side shall be fully made up by giving the whole of the Reporters' Gallery to the Peers. Then, the noble Earl says they would come into the body of the House. It is hardly so; surely it is quite possible for your Lordships to decide that a certain portion of the House is no longer in the House. It is quite as easy to say that the Reporters' Gallery is in and the other is out, as to say the Ladies' Gallery is in and the Reporters' is out. Arrangements have been made so that reporters should be kept entirely away from the House. If the plan is adopted no inconvenience would arise; in no case would they interfere with the Peeresses. Their staircases would be quite apart, and the reporters would be kept away from the Peeresses' staircase. With regard to the appearance of the House, it will be necessary only to bring forward the two centre bays 1 foot 9 inches, and, if anything, with light-grill brass work, it will almost add to the beauty of the House. As to the other propositions, they practically are for an improved *Hansard*. The noble Earl praised *Hansard's* report, as it now is, very much, and said that Mr. Hansard uses his own reporter, and so makes a good report. Well, the fact is that Mr. Hansard himself is not allowed to be in the House, and has no reporter whatever in the Gallery. He has for many years conducted this semi-official, or any other report that you may call it, in a very able way. He is obliged to collate from the newspaper reports, imperfect as they frequently are, and such memoranda as he may obtain from the Peers. In the other House, they have seen the folly of this. They have given a seat to him for his reporters, and they have come to an arrangement with him by which, for £3,000, he makes a full report of Committees of

the Whole House, of Private Business, and of Business after 12 o'clock. It was not considered at that time necessary to go further; but I am told that what is done is so much praised that it is proposed to go further. My Lords, I can only say the Committee have done their best. You cannot make any change without being told that you are making an innovation. The House must decide. I hope the Committee will not be thrown over, but that some result may come of its work.

EARL GRANVILLE: My Lords, there is a little too much disposition to treat the Committees we appoint as our natural enemies. It is a great convenience to discuss these Resolutions *seriatim*. I entirely disagree with the objection that the noble Earl the Chairman of Committees made to the 1st Resolution. The House is what the House chooses to decide it to be. The noble Earl said—"If you once let in the reporters into the Gallery opposite, it will be impossible to turn them out again." I believe it will be if the experiment succeeds, and if it is perfectly convenient why should we get rid of them? If it does not succeed, nothing can be easier than to ask them to go back to their old or some third place. It is all very well for my noble Friend to say the reports are excellent. I think they are good, considering the difficulties reporters have to undergo; but it is perfectly absurd to say they are as good as they can be, when all the reporters say they have the greatest difficulty to hear. In regard to some of us, including myself, they say it is very difficult to make out what we say. They make up a report of our speeches from the recapitulation by somebody opposite, the accuracy of which I should not always be inclined to admit. It would be so easy to make this change, giving the reporters these galleries, that it is an experiment well worth trying, and I hope your Lordships will vote for it, especially as it will be done at no great expense. With regard to the second point, I am not so decided in my objection to it as some noble Lords; but I think there are some difficulties connected with it. We must remember what the public is likely to read. I do not mean to say the reporters are always just, still they do exercise a sort of rough and ready justice, which is of advantage in the reports that are made. I quite

understand that my noble Friend, who generally takes upon himself the task of summing up the whole debate, should be dissatisfied with the whole of his remarks not being found in the next day's newspapers. That is just the time the reporters do use that judgment which the people appreciate. This, certainly, could not be the case in a semi-official report, where every word of every speech is taken down. There is one point raised by the noble Earl which is of importance. Some of the best debates I have heard in this House have been in Committee. I have hardly ever seen those Committees at all adequately reported. For instance, the most experienced and able men speak for five or six hours in these Committees upon points of detail which interest the country extremely, and next day you see five lines representing what the few principal speakers have said. I think that is a point which I should like considered. With regard to the semi-official report, there is one point that it entails a large charge. Our expenses exceed our revenue; we have to deal with the Treasury, and, as a Member of the Government, I could hardly vote for this charge without knowing what the negotiations between the Treasury and the officers have been on the subject. But I have not the slightest doubt that if these Resolutions are put I can vote for the change with regard to our Reporters' Gallery.

**THE EARL OF HARDWICKE:** My Lords, the last time I took the liberty to make some remarks on this matter, I chiefly regretted that the Report laid on the Table was very brief, and your Lordships had not had much opportunity for investigating the questions that appeared. But this question is now brought forward in a very thin House, and the Report has not been handed to us more than two days ago. I take a great interest in this matter, yet having been engaged on a Committee I have had no opportunity to read the evidence until this morning. I think this question ought not to be dealt with in an off-hand manner. The noble Earl the Chairman of Committees, whose position in this House is unequalled, has stated most decidedly his strong objection to the Report and advice of the Committee. I do not think there is any disrespect in your Lordships' differing

with the Report of any Committee. The Committee has been, no doubt, deeply engaged in the matter, and have done their duty to the very best of their ability; but if it is to be laid down that when a Report is presented to your Lordships' House, that we are not to be permitted to give our distinct objections to the various propositions laid before us, because of the efforts of the Committee to carry out that which we desire, that is no argument why the matter should not be thoroughly investigated. I cannot help thinking that this question of reporting, which was a hobby of the noble Lord's (Lord Sudeley) while in the House of Commons, and which he has introduced into this House, has a great deal less in it than is supposed. I have sat in Parliament for 16 years, and whenever I venture to make any remarks, I always find, if they are worth reporting, they are reported by the gentlemen in the Gallery, and I think some noble Lords in this House are far more fairly treated than the importance of their remarks deserves. The report is simply for the public welfare, and whenever any matters of importance are discussed, you will find ample information is handed forth to the public the next morning. Now, another thing, I think perhaps one of our greatest defects is that, although we may learn a great deal, we do not know properly how to express in speech our peculiar thoughts, whether in the pulpit, or in public places. Anybody who has been connected with public life knows the trouble speaking is to a great many people. I have always remarked, I think invariably, that those people who have the greatest difficulty of enunciation are the most profuse in their observations. I often remark, in this place, as well as in the House of Commons, that noble Lords and hon. Gentlemen, when troubling the audiences which they are addressing, convey their thoughts to them in a manner so difficult of comprehension and of meaning, that very often those people whom they are addressing cannot understand them, much less the reporters in the Gallery. Taking into consideration these facts, I think this House ought to consider deeply before they allow any interference in the structure of this House as contemplated by the Report of the Committee. Whether this House has been constructed with the

best acoustic properties I cannot say. Probably, from what we are told, it is not well constructed. But that the architectural proportions of this House, and that the beauty of it, which any of your Lordships who care about architectural structure must admit is great, should be spoiled for the sake of the idea or wish of a certain section of your Lordships' House, that their speeches should be better reported, is not a matter to which I could give my consent. A little architectural antic was tried the other day, by which a box was thrown out from the Reporters' Gallery. It was so hideous that the First Commissioner of Works came in, and told me it was impossible such a thing could continue. If you are going to place the reporters on each side, you will take away considerable room from the Peersesses or Peers who use the Gallery. If you make the other innovation which is proposed—namely, to put a reporter among your Lordships, it seems to me that one of the greatest restrictions that this House and the other House have always maintained will be at once broken through, and that you will have no reason at all, after admitting one reporter to sit in any portion of the House, for refusing another. *The Times* has most important reports, probably as good, if not better, than Mr. Hansard's. Why should not the reporter of *The Times* go on the Cross Benches, or the Editor of *The Scotsman*, who is always anxious to have the best report for the people of the North. Why should not he ask for his reporters to sit behind the noble and learned Lord on the Wool-sack? The same with regard to country papers. The moment you break through one of the strongest and best rules—that of having only Members of your Lordships' House on its Benches—you will make such an innovation as you will have probably great difficulty afterwards in restraining. Considering how short a Notice we have had of these Resolutions, and how small the House is that is discussing the question, it would be a generous act of my noble Friend (Earl Beauchamp) and his Colleagues on the Committee to withdraw the other Resolutions, and on the meeting of Parliament next year to place them before the House, and take the opinion of the House upon them.

LORD ELLENBOROUGH: My Lords, in the first speech I made I was very

nervous, and I spoke very low; but all I said was reported in *The Times* newspaper.

THE EARL OF KIMBERLEY: My Lords, I cannot agree with the noble Earl (the Earl of Hardwicke) that the proposals contained in the Report would involve any disfigurement of the architectural beauties of this House, and I may remind the noble Earl of Lord Bacon's saying, that a house is made to live in, and not to look at, and that it must fulfil the primary object for which it is intended, and I apprehend that is the accommodation of ourselves. The question is, whether our observations should go forth to the public accurately reported or not, and if that does not concern ourselves, I do not know what does. It concerns us more than anybody else, for if we are to make observations which, because they are not heard, are not published, our observations would lose half their utility. I should not have risen but for an observation which fell from the noble Earl the Chairman of Committees with regard to the admission of Strangers who have no right to be admitted to the steps of the Throne. I think it is possible he may have had his attention directed to four very distinguished Gentlemen whose admission I procured myself, and I should be very sorry that any blame should fall upon the Deputy Usher of the Black Rod for giving them admission. Three of them were distinguished Members of the Canadian Ministry, and the fourth was the Speaker of the Canadian Senate. I mention this lest anyone should think the Deputy Usher of the Black Rod to blame for that; but I have seen other persons there who had not the same claim as these distinguished persons. With regard to what was said about conversation in the House among ourselves, although I admit that my noble Friend (Earl Beauchamp) is quite right to complain of it, and I am afraid I sometimes offend myself, I must point out that in great debates the principal disturbance comes from near the Throne. Even when the House is perfectly attentive and anxious to hear the speaker, there is such a noise round the Throne, especially after a Peer has sat down and happened to make a speech which attracted attention, that I am convinced that the reporters are sometimes totally

unable to hear the first part of what is said by the speaker who follows. With regard to the reports, I observe that the noble Marquess who gave evidence before the Committee (the Marquess of Salisbury) alludes to the reporting of important statements which he had sometimes made as Secretary of State. It has not happened to me to make such important statements as the noble Marquess has made; but when I held the Office of Under Secretary of State for Foreign Affairs, and especially in former times, I have had to make statements which, owing to their not being heard, were so misreported as to cause extreme inconvenience. I remember once, a great many years ago, as Under Secretary I had to answer a Question put to me. I forget the exact subject; but it was with respect to some matter in the East, and the point of my remark was that some particular person who had been accused of a great crime had not committed it. In all the newspapers next day it was reported that Her Majesty's Government had received information that the person in question had committed an atrocious murder. I need not say that in so serious a matter it was necessary to take steps to correct the error. No doubt, this arose from my speaking indistinctly; but you cannot be always sure to speak distinctly, because all have not the power to do so, and it is only reasonable, therefore, we should bring reporters so near that they may if they choose hear us. I think it is very well worth while to try this experiment. If it does not answer we can withdraw it. With regard to the other point, I agree with my noble Friend. I have grave doubts about the official reports. I agree on the whole, though we may not see our remarks so fully reported as we desire, yet that the reporters do exercise a very wise discretion. For my part, I am really surprised at the tact with which they discover which are the really important speeches, and I do not think that they are guided—and that is where they show so much discretion—merely by the speakers or by their position. They can discriminate when a speech is made, whether it contains observations which it will be worth while reporting. I am extremely glad my noble Friend (Earl Granville) calls attention to the sparseness of reports in Committee. A great deal of information which ought

to be published is thereby lost. It is very discouraging, when one has taken great trouble to explain a very difficult point, to find not a word of that information appear next morning, especially when one has charge of an important Bill, and finds that it is of great consequence that particular explanation of clauses and Amendments made should be fully reported. I must say I have experienced, having had the charge of rather complicated Bills myself, great inconvenience from the want of such reports. I have had addressed to me all sorts of inquiries about a clause, all of which would be saved if reporters would kindly in Committee give a little better report. I must apologize for troubling the House; but I really think this proposal as regards the 1st Resolution is worthy to be adopted.

LORD STANLEY or ALDERLEY said, the reports of the debates of Monday and Tuesday last showed that there were no physical impossibilities to reporting from the Reporters' Gallery. He was astonished at the excellence of those reports, and he had heard most of the speeches on those two nights. He had noticed, however, that the reporters on that occasion were much younger men than usual. It was impossible for older men to hear as well as younger ones. He was very much opposed to the introduction of a reporter into the House, not only on account of what he would hear, but also of what he would see.

EARL BEAUCHAMP: My Lords, with regard to what has taken place, I will not ask your Lordships to divide on the 2nd and 3rd Resolutions; I think the matter has not been sufficiently ventilated. But with regard to the 1st, I think that has met with so much favour that I shall be disposed to take the sense of the House on that point. I will correct one observation of the noble Earl (Earl Granville). The Surveyor of the Office of Works estimates the cost of alterations at £1,500; but I think the advantage to the House will make it a very wise outlay. The sum is very small; but I do not think there should be any misconception. The Resolution has been very carefully drawn, because there was some discussion as to the Galleries, and we were not quite certain as to the proper way of expressing ourselves, the Gallery now used by the reporters being ap-

propriated in lieu of the accommodation they take, supposing this Resolution to be agreed to.

**THE EARL OF REDESDALE** (CHAIRMAN of COMMITTEES): You cannot put Peers below the Bar.

**EARL BEAUCHAMP**: I think it is quite competent for you to say that that part of the House is above the Bar.

**THE EARL OF REDESDALE** (CHAIRMAN of COMMITTEES): My Lords, it is not quite regular; but I hope you will hear me, because this is very important. The centre portion of the Galleries, even when ladies are admitted into them, are reserved for Peers, and it never has been otherwise, although ladies have been allowed to sit there; and what I say is this—and it was proved by what took place on Monday and Tuesday—that there are not, when there is a full attendance of Peers, sufficient seats for them in the body of the House; and if you take away the Galleries from the Press, you will find, some time or other, very great inconvenience in conducting the Business of the House. Peers could not use the present Reporters' Gallery, in which they would be placed below the Bar, and consequently out of the House.

**THE EARL OF FEVERSHAM**: My Lords, the propositions made by the noble Earl (Earl Beauchamp) are so radical at this part of the Session that I am glad to hear that the 2nd and 3rd Resolutions are withdrawn, and I hope the noble Earl will withdraw all three until there is a more numerous attendance. I must say I have suffered inconvenience from not finding a seat in your Lordships' House, and I should think the proposition that a portion of this House—a portion of the Gallery which is in the House—should be taken for reporters is a very unsatisfactory one. It is true that that portion of the Gallery is given up to ladies; but the numbers of the House have increased, and it appears to me an inconsistent proposition to diminish the space available. I must say, my Lords, with regard to reporting speeches, there does not seem to me to be much reason to complain; I have always observed that reports have been, on the whole, very satisfactory. With regard to what the noble Earl (the Earl of Kimberley) said as to proceedings in Committee, they are carried on amid such conversation that often, if reporters

were in the side Galleries, they would very likely not hear what was said. I believe there are other expedients which would be more satisfactory. You might have seats behind the Bar, or in the Gallery next to the House of Commons' seats, or behind the Woolsack. Surely, some arrangements might be made; but I do not think this is the time to introduce this change.

**THE EARL OF CAMPERDOWN**: My Lords, I quite understand the objections of the two noble Earls (the Chairman of Committees and the Earl of Hardwicke), because they object to every kind of change. They should have objected to the Committee altogether. If anything at all is to be done, it is almost impossible to suggest any other plan than the one before you. An erection has been tried at that end of the House, which was termed a nest. That nest has disappeared, and the swallows with it. I suppose your Lordships will not propose to erect anything over the Throne; and, therefore, if you will not have seats at either end, and if they are to be changed, they must be changed to the sides. I perfectly well understand that my noble Friend at the Table objects to this change as to all changes. He says to your Lordships that you are taking away seats which belong to the Peers; I quite admit that we are proposing, to a certain extent, to deprive the Peers of possible accommodation. But I should like to ask, when have Peers occupied those seats? So far as my experience goes, those two Galleries have been locked up for private friends. I see ladies enter it on particular occasions, but I have never seen Peers there; and even on Tuesday last, when Peers complained they could not get seats, I did not see them try to thrust ladies out of a Gallery where they had no business to be. Therefore, the grievance is a theoretical one; and if there are any Peers who desire to sit there on one of those exceptional debates, which, after all, are not very many, I do not think it will interfere with their convenience if they sit where the reporters now are. The Committee bestowed much time and attention on this Motion, the complaints with regard to insufficient reporting have been very general, and I certainly hope your Lordships will adopt my noble Friend's 1st Resolution. With regard to the remark that it would be possible to do away with this

inconvenience by speakers simply going to the Table, I only point out that the noble Lord has not read the evidence; because it was said several times that of all the places to make a speech the Table was the most inconvenient, for the singularly excellent reason that the noble Lord always speaks across the Table to those who are sitting exactly in front of him, and not to the reporters. Your Lordships will recollect the other night that the noble Marquess (the Marquess of Salisbury) was reminded by my noble Friend that he was not attempting to convince us, but somebody else. He said, in reply, he had attended before this Committee, and that he was speaking up to the Gallery, in an attitude where he was well heard.

EARL STANHOPE: My Lords, I do not wish to prolong this discussion; but, as a Member of the Committee, I must bear testimony to the excellence of the plan proposed. It is, I believe, the only possible way to allow the reporters to hear the speeches made. It is not that what private Members say is of importance; but now and then what the Secretary of State for Foreign Affairs says is heard with very great difficulty; and if a misrepresentation goes out it is a serious matter. Therefore, I hope this proposal will be accepted, and that the 1st Resolution will be carried.

LORD WAVENEY: I should like to ask, whether an alternative could not be found? Ours is the only Assembly where the debate is carried on on right lines. We have no point to which discussion is habitually addressed. That is a very important point indeed, and is avoided in the House of Commons by the habit of addressing the Speaker. We have not the habit of addressing the noble and learned Lord on the Woolsack, which might avoid the difficulty, notwithstanding the position of the reporters. I say also that it is a question of mechanics. I observe from the evidence of those who have had very large experience of reporting that in the case of a noble Earl speaking from the Woolsack he was heard much better in the rear seats than in the front seats. This would therefore show that the line of sound may pass over the Reporters' Gallery. What have we now before us? We are going deliberately to substitute for one imperfect centre of address, which I con-

sider the Gallery to be, a double one; we shall speak from side to side, and thereby multiply difficulties. Something has been said with regard to the architectural effect, and I have a desire to preserve the beauty of the House. But it does seem to me that it will require no great exertion of architectural skill to provide a tribune for the reporters which would be raised on one side or other of the House. A habit of addressing the reporters would gradually arise in that way, and would avoid the great difficulty and inconvenience of the continued passage of reporters from side to side. The only alternative would be that the papers should have one reporter on each side. That might not be desirable, and I cannot therefore but suggest to the noble Earl (Earl Beauchamp) whether it is not worth while to consider whether he would not substitute one single point for discussion. One remark made by the noble Earl is as to the reports we have received; I quite agree that they are very fairly made, and the selection made is very reasonable of those points most desirable for the people to know. I understood him to say that if we increased their power of hearing we should have better selections from reporting. But if I read the evidence correctly, *The Times'* reporter said his condensation is made from the shorthand report, and not from the transcript into the long hand; and I should regret that the condensation was made *currents calamo*. But I cannot agree with the proposition to separate the Galleries. I do not know whether it will be consistent that I should propose for the words "on each side," to substitute "on one side of the Peers." It would give that mechanical advantage which we shall not enjoy in having two Galleries.

On Question? Their Lordships *divided*:—Contents 25; Not-Contents 14: Majority 11.

#### CONTENTS.

Selborne, L. ( <i>L. Chancellor.</i> )	Kimberley, E. Manvera, E. Morley, E.
Somerset, D.	Northbrook, E. Spencer, E. Stanhope, E. Sherbrooke, V.
Beauchamp, E. [ <i>Teller.</i> ]	
Camperdown, E.	Boyle, L. ( <i>E. Clerk and Errary.</i> )
Fortescue, E.	
Granville, E.	

Brabourne, L.	Monson, L.
Braye, L.	O'Hagan, L.
Clinton, L.	Skene, L. ( <i>E. Fife</i> .)
Kenry, L. ( <i>E. Dunraven and Mount-Earl.</i> )	Stanley of Alderley, L.
Monck, L. ( <i>V. Monck.</i> )	Sudeley, L. [ <i>Teller.</i> ]
	Wolverton, L.

## NOT-CONTENTS.

Feverham, E.	Denman, L.
Hardwicke, E. [ <i>Teller.</i> ]	Ellenborough, L.
Redesdale, E. [ <i>Teller.</i> ]	Hammond, L.
	Harlech, L.
Hawarden, V.	Rowton, L.
	Stratheden and Campbell, L.
Arlington, L.	Waveney, L.
Aveland, L.	
Colchester, L.	

*Resolved in the Affirmative.*

House adjourned at Seven o'clock,  
to Monday next, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Friday, 6th August, 1880.*

The House met at Two of the clock.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading—Assaults on Young Persons* \* [304]; *Bastardy Orders* \* [305].  
*Committee—Report—Employers' Liability (re-comm.)* [209-303]; *Elementary Education* \* [264].  
*Report—Elementary Education Provisional Orders Confirmation (Cardiff, &c.)* \* [268]; *General Police and Improvement (Scotland) Provisional Order (Forfar Gas)* \* [283].  
*Third Reading—Spirits* \* [210]; *Drainage Boards (Ireland) (Additional Powers)* \* [290]; *Metropolitan Board of Works (Money)* \* [272]; *Railway Construction Facilities Act (1864) Amendment [New Title]* \* [293], and *passed.*

## CONTROVERTED ELECTIONS.

*Ordered,* That Copies of the Shorthand Writers' Notes, not already printed, of all Judgments of the Election Judges on Petitions against the return of Members to this House since the last General Election be printed.—(*Sir R. Assheton Cross.*)

## QUESTIONS.

RELIEF OF DISTRESS (IRELAND) ACT  
—APPLICATION OF LOANS.

MR. DILLON had the following Question addressed to the Chief Secretary for

Ireland on the Paper, but was not present to ask it:—Whether, as a matter of fact, money borrowed under the Relief of Distress (Ireland) Act is not being used on more than one estate in Ireland to pay arrears of rent; and, whether this is not being done by a system of deductions from the "nominal" rate of wages paid to tenants employed on relief works; and, if so, whether the Government will take any steps to check such misappropriation of public money?

MR. MOLLOY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will request the Local Government Board to order all landlords who have received money through the power conferred on them under the Relief of Distress Act to furnish the boards of guardians of the several scheduled unions in the townland in which such money was to have been expended, or has been expended, with a statement of the number of men employed and their place of abode, the quantity of land held (if any), the wages paid, and the full amount received by each of the borrowers of such money, in order that the guardians of such scheduled districts may know how far the distress has been relieved?

MR. W. E. FORSTER: Sir, as these two Questions are very similar, it will be convenient if I answer them together. I believe that in some cases wages have been paid in the form of remission of rent—that is, the rent has been made a set-off against wages in settlements between landlords and their labourers. I do not believe, however, that it has been done in many cases, and, so far as I can learn, it has been done with the consent of the tenant labourer. I do not approve of the practice; but the Government has no legal power to interfere. I will try to get the information referred to in the Question of the hon. Member for King's County (Mr. Molloy); but I have no power to order the landlords to furnish any such statement.

MR. A. M. SULLIVAN asked the Chief Secretary for Ireland, Whether he will lay on the Table a Return of the names of the Irish landlords of whose reprehensible conduct the Government had notice?

MR. W. E. FORSTER: Sir, the practice referred to is, no doubt, open to abuse, and ought to be discouraged; but



where there is a thorough understanding between the landlord and the tenant, and where there is no objection on the part of the tenant, I do not think it is fair for the hon. and learned Gentleman to describe the practice as a reprehensible one. With regard to a Return, it would be difficult for us to find out all the cases in which this was done, and I cannot undertake to give a Return.

MR. T. P. O'CONNOR: At the instance of several friends, I wish to ask the right hon. Gentleman whether he is aware that several of the landlords of Ireland are receiving their rents from tenants who are unable to live except from charity, and whether he does not consider it reprehensible that they should receive these rents not only from charity, but from State funds?

MR. W. E. FORSTER: I do not think I am called on to answer so important a Question offhand, especially when I can give no legal force to my opinion. I trust landlords generally will very carefully consider what their duties are, and if they do not fulfil those duties, I can only say I deeply regret the fact. I hope the remarks which I now make will very much discourage that practice.

#### NAVY—NAVIGATING OFFICERS.

MR. R. N. FOWLER asked the Secretary to the Admiralty, Whether the Admiralty will take into consideration the case of the old Navigating Officers of the Navy now surviving, a copy of which has been placed in his hands?

MR. SHAW LEFEVRE: Sir, a statement on behalf of the old navigating officers was placed in my hands a few days ago. I can only say at present that attentive consideration will be given to it, as to many other claims of a similar nature, when the Estimates for the coming year are under preparation.

#### JAPAN—INTERFERENCE WITH CHEMICAL TRADES.

MR. R. N. FOWLER asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have taken any steps to put an end to the interference, on the part of the Japanese Government, in the drug and chemical trades, which was the subject

of a memorial, signed by several influential firms, to Lord Salisbury in August last?

SIR CHARLES W. DILKE: A copy of the memorial was sent to Her Majesty's Chargé d'Affaires in Japan, with instructions to take such action as might be necessary for the protection of importers of drugs in case there should be proper grounds for the intervention of Her Majesty's Government.

#### TREATY OF BERLIN—THE CONFERENCE—THE COLLECTIVE NOTE.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether it is a fact that Her Majesty's Government have entered into agreements or have commenced negotiations for agreements with any of the European Powers, having for their object a concerted or separate display of force against the Government of Turkey for the purpose of inducing that Government to conform to the decisions of the Conference of Berlin as conveyed in the Collective Note; whether similar negotiations have been carried on by Her Majesty's Government for a similar purpose as regards the cession of territory to Montenegro; and, whether the Papers which are to be laid upon the Table will give any information as to the progress of those negotiations, or as to the contents of those agreements; if not, whether it is the intention of Her Majesty's Government to furnish the House with full information on these matters before the close of the present Session, and to make to the House a statement of their policy, in order that that policy may receive due consideration before the House separates for the Recess.

SIR CHARLES W. DILKE: Papers will be laid on the Table, very shortly, containing the Collective Note, and the reply of the Porte thereto. The Six Powers are in constant communication as to the further steps to be taken by them together, and I cannot give information as to the nature of these communications at this moment. A Collective Note was presented to the Porte during the present week on the Montenegrin Frontier question, giving the Porte the alternative of two schemes for the settlement of that question. I have every reason to hope that such a

*Mr. W. E. Forster*

omitted, the power of appeal would be limited and barred by the operation of the Amendments. The effect of the Amendment would be that in Scotland, where cases must be tried before the Sheriff's Court without a jury, a workman would be deprived of the power of having his case tried by a jury.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that if the hon. Member would look at Clause 5, he would find that there was some power of removal to the Court of Session in Scotland.

DR. WEBSTER said, that was quite delusive, and he would afterwards attempt to show it would be unfair to the workman. It would not be effectual.

Amendment, by leave, *withdrawn*.

MR. THOMPSON said, it was desirable to cheapen the legal proceedings under this Bill, and he had an Amendment on the Paper to that effect, although he did not think it would be of much use to move it. He thought some plan ought to be adopted whereby the expense of these cases would be very much diminished. His Amendment was as follows:—In page 2, line 35, after "court," to leave out to the end of Clause, and insert—

"Of the district where the injury was caused, and on the hearing of the said action no counsel or attorney shall be heard for either party, except by leave of the judge of the said court, obtained by notice in writing signed by the party requiring such counsel or attorney and delivered to the said judge, by post or otherwise, two clear days before the hearing of the said cause; and in no case shall more than one counsel where counsel is required, nor more than one attorney, without counsel, where an attorney is required, be heard on either side. Any workman, however, claiming compensation under this Act, in case he does not employ counsel or attorney, may be assisted at the hearing of the said action, upon giving such notice to the said judge as aforesaid, by any secretary or other officer of any one trades or miners' union or benefit society to which he belongs. In no case shall any costs for any matter under this Act be allowed to either party, and no proceeding under this Act shall be removed to any superior court."

THE SOLICITOR GENERAL (Sir PARKER HERSCHELL) said, he himself proposed, in line 36, after the word "court," to insert the words "on the application either of the plaintiff or the defendant;" and after the words "in like manner," to insert the words "on the same conditions." His object was to make it quite clear that either party

might be able to move the case to a Superior Court.

Amendment (*Mr. Thompson*), by leave, *withdrawn*.

MR. HERMON: With regard to the hon. Member's Amendment—

THE CHAIRMAN: He did not move it.

MR. HERMON: I thought he had done so. You sometimes ask hon. Members to speak up, so that we may know what is going on. The Amendment of the hon. Member is most important, particularly the latter part of it. ["Order, order!"]

THE CHAIRMAN: The Amendment has not been moved; it is withdrawn.

MR. HERMON: I rise to Order. I think this Amendment is a very important one, and I wish to ask you whether it is not in my power to move an Amendment similar to it? The fact is, if you take the Amendment of the Solicitor General it will put me out of court, because he deals with the clause a line further on. I shall be entirely out of court if I am not now allowed to move. I quite understood, from the hon. Member addressing you so long, that he was endeavouring to explain the Amendment on the Paper. I was not at all prepared for the hon. Member declining to press his Amendment after his remarks.

THE CHAIRMAN: I am sorry the hon. Member did not hear the remarks, and did not know that the proposer of the Amendment declined to move it. Finding that the Amendment was not proposed, I called on the Solicitor General to move his. Therefore, the hon. Member for Preston (*Mr. Hermon*) is not in Order in bringing up this question.

MR. GORST: May I ask, as a matter of Order, whether the Solicitor General's Amendment is already put from the Chair?

THE CHAIRMAN: Yes.

Amendment, in page 2, line 36, after the word "court," to insert the words "by either plaintiff or defendant," — (*Mr. Solicitor General*),—put, and agreed to.

MR. NEWDEGATE then rose.

THE CHAIRMAN: Order! There is no Question yet before the Committee.

MR. GORST: I propose to move—

THE CHAIRMAN: There is no Question.

the letter, except by the Question of the hon. Member. I have no information as to any special excitement at the present moment among the Mahomedans of India. I have no doubt whatever they are watching with great anxiety and interest the progress of events in the East of Europe. I take exception to the description of the policy of Her Majesty's Government contained in the Question, which is described as an "anti-Turkish policy." Her Majesty's Government are of opinion, whether rightly or wrongly, that the policy they are pursuing is in the interest of the Turkish Government itself, as well as in that of the security of Europe. But, without making any further observations on that point, I have only to say that I cannot think it would conduce to the security of our dominion in India if Her Majesty's Government were to alter the policy which, on general grounds, they consider the best in the interests of Europe and of England, on account of a statement, utterly unauthenticated, of the supposed opinions of Mahomedans in India.

In reply to the last Question of the hon. Member, I will read a telegram which was received yesterday evening from the Viceroy:—

"Following from Cabul, August 4:—The Candahar Division marches from Cabul on Saturday, and the remainder of the army for Gandamak on Tuesday or Wednesday. The city and neighbouring districts are quiet, although exaggerated reports of the success of Ayooob near Candahar circulate. Ameer is still at Akserae assisting in the provision of transport for our troops. General Gough's brigade has returned to Sherpur."

MR. ASHMEAD-BARTLETT asked the noble Lord, Whether he would afford facilities for bringing on his Motion with regard to Turkish affairs, which had been shelved on three successive occasions by means to which he would not further allude. He should have thought that with the debating strength on the Treasury Bench and the serried ranks behind it—"Order!"—

MR. SPEAKER pointed out that the hon. Member was out of Order in making a speech while putting a Question.

THE MARQUESS OF HARTINGTON thought it would be more convenient if the hon. Member would postpone his Question until Monday, when he might be in a position to state more fully the intentions of the Government with regard to the progress of Business.

*The Marquess of Hartington*

# STATE OF IRELAND.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention had been called to statements in some of the morning papers to the effect that the Government had decided on despatching troops to Ireland; and, whether it was true, as stated in *The Daily News*, that the Government feared a rising in Ireland in consequence of the rejection by the House of Lords of the Compensation for Disturbance Bill?

MR. W. E. FORSTER: Sir, I have seen the statement in *The Daily News*, and I beg to say that any statement that the Government fear a rising in Ireland is entirely without foundation. I, however, regret to say that outrages have been committed upon individuals in Mayo and other parts of Connaught, and, as a consequence, a feeling of insecurity has arisen in those districts. It has, therefore, been thought necessary to order small detachments of troops to those districts in order to give confidence to the well-disposed inhabitants, and to discourage those who are evil-disposed. The gap is being filled up by the transfer of a battalion of Marines to Cork.

MR. O'CONNOR POWER asked whether it is the intention of the Government to employ any military in carrying out the work of eviction, or whether the work, in cases where the Government may deem it necessary to enforce the law, will be left entirely to the Royal Irish Constabulary?

MR. W. E. FORSTER: Sir, I hope and expect that the aid of the military will not be wanted for any purpose. I must add that I do not expect that it will be employed to assist in any evictions, and I should exceedingly regret such a necessity. I can only repeat that the ground on which we have thought it necessary to quarter this small detachment is not on account of any special resistance to evictions, but on account of the outrages which have taken place to individuals, and of the danger which individuals seem to be in, and the consequent sense of insecurity felt in the districts I have mentioned. It is in order to give confidence to the well-disposed, and discouragement to the ill-disposed, that we have thought it necessary to order a small detachment of

settlement will be speedily reached, and it would not be right in me to discuss what measures might be taken by the Powers on the improbable hypothesis that the Porte will decline both alternatives. Her Majesty's Government will place information on these subjects in the possession of Parliament, either by statement or by the presentation of Papers, before Parliament rises.

**LORD RANDOLPH CHURCHILL:** Are negotiations still going on?

**SIR CHARLES W. DILKE:** Yes.

**MR. BOURKE:** I should also like to ask whether the Conference Papers will soon be presented to Parliament?

**SIR CHARLES W. DILKE:** Sir, they were presented yesterday. Delay has been caused by the printing of the maps, which can only be printed at the rate of 200 a-day, and which were photozincographed at Southampton. There will be 100 maps in the Vote Office in the course of the day; but copies cannot be distributed till Monday.

**MR. A. J. BALFOUR:** May I ask the hon. Gentleman another Question about foreign affairs? I wish to know whether there is any truth in the report in some of this morning's papers that Her Majesty's Government have withdrawn the request they made to the Greek Government in favour of inaction on the part of that Power, and whether, in consequence of that, an order for mobilizing the Greek Army has been issued?

**SIR CHARLES W. DILKE:** It would be better that the hon. Gentleman should give Notice of a Question of this character.

#### INDIA (FINANCE, &c.)—THE FINANCIAL STATEMENT.

**MR. BIRLEY** asked the Secretary of State for India, Whether, having regard to the general anxiety on the subject of Indian Finances and the indefinite assertions which have been published of grave errors in the accounts, he will not reconsider his proposal to postpone the Financial Statement, and submit it to the House on some day during the ensuing week?

**THE MARQUESS OF HARTINGTON:** Sir, I cannot say more than I said yesterday on this subject; but I hope on Monday it will be possible to fix a day for the Indian Financial Statement.

#### AFFAIRS IN TURKEY—THE INDIAN MAHOMEDANS.

##### AFGHANISTAN—THE MILITARY POSITION.

**MR. ASHMEAD-BARTLETT** asked the Secretary of State for India, Whether his attention has been called to a letter from a Mahometan gentleman of Calcutta, named Abdulfazl M. Abdur-Rahman, which appeared in the "Daily Telegraph" of Friday, July 30th, from which the following are extracts:—

"I read to-day the reply of the Porte to the Collective Note of July 15th. Perhaps your readers may care to know the view the 60,000,000 of Indian Mohammedans take of the present crisis in Turkey. It seems to them that the outcome of the strong pressure that is being brought to bear upon the Porte by Her Majesty's Government, and by the so-called European concert, would tend not only to weakening, but eventually breaking up of the Ottoman Empire. Well, Sir, this is an aspect of affairs which the Indian Mohammedans cannot very well look at with satisfaction and confidence.

"During the dreadful Russo-Turkish war the Indian Mohammedans not only evinced their great sympathy with the Sultan and his Imperial Majesty's subjects, their co-religionists in Turkey, but they gave expression to their feelings by holding public meetings in different parts of India, with a view to help their brethren in distress in Turkey.

"They presented addresses to the Queen from different parts of India, expressing to Her their gratitude for the moral support vouchsafed to the Porte, and praying for material help to their Caliph in case of need. What has been the result of this outburst of national Mohammedan sympathy and feeling I do not wish to dwell upon.

"The present Government may ignore, for reasons of their own, the deep and strong feelings of the Indian Mohammedans in regard to the ultimate destiny of the Ottoman Empire, but I, as an Indian Mohammedan, venture respectfully to impress upon them that perhaps some day or other they will have reason to regret their policy in the East."

And, whether, in view of the feeling excited among the Mussulmans of India by their anti-Turkish policy, they will abandon the attempt to coerce the Porte into ceding to other states portions of Ottoman territory. Perhaps the noble Marquess will allow me to ask him at the same time whether there is any truth in the report which appears in the paper this afternoon, that the British Forces have been ordered to withdraw from Cabul in a week or some shorter time?

**THE MARQUESS OF HARTINGTON:** Sir, my attention has not been called to

visions for the case of a workman who had suffered a real injury. If the workman had suffered no real injury, and the damage ultimately assessed should turn out to be so trifling and insignificant as to show that the action ought never to have been brought at all, then, in the present state of the law, there was a complete control over the costs. Therefore, that which gave rise to this state of things had passed away and gone by. It appeared, therefore, to him that the draftsman, in the present instance, had gone back to an old, cumbrous, and inconvenient form of legislation which was wholly unnecessary. There was, however, another view of the case. Let the Committee consider the effect of this provision upon a really honest sufferer. According to his experience, these notices of action were merely traps and pitfalls to the honest sufferers; whereas the dishonest sufferer would employ some pettifogger, who was just the man who would never fall into such a blunder. Very frequently the last thing which occurred to the man who had really suffered an injury was the notion of going to law, and, as a rule, he never went to law until he was compelled by dire necessity. Then, unless he gave notice of action within six weeks, or, according to the present Amendment of the right hon. Gentleman, three months, he would find himself too late. It seemed to him (Sir Hardinge Giffard) that legislation of this kind would operate exactly in a wrong direction. A dishonest person bringing an action would never fall into such a pitfall; whereas the man who had really sustained an injury would be very likely to do so. The employer who would be responsible to make compensation was a man who, to a certain extent, would be cognizant of, and would have the means of ascertaining, by evidence, what had been the history of the person who had been injured. At the present moment, such a stringent provision was not applied in the outside world, even in the case where the relations of employer and employed did not exist. For instance, in the case where a man dismissed his coachman, he would have no opportunity of finding out any or what accidents that coachman might have caused, or the extent of injury inflicted by him in any particular case; but, at any time subsequently, a person injured could bring this action

against the master of the coachman, although the coachman himself might have been dismissed a year or two before. In the case dealt with under the present Bill the employer must have much better means of information. He must, for instance, know whether such an act took place or not; because, in all probability, the injured person would not be the only individual in the master's employment. But it was in reference to a workman under such circumstances, and to him alone, that it was proposed to introduce this legislation. It certainly seemed to him that they were proposing to give, with one hand, a right to compensation, and that they were very much disposed to take it away with the other; and there was a possibility that the provision they proposed to make would give rise to the very litigation they were anxious, if possible, to prevent. Accidents of the kind that were dealt with in the Bill were just the class of accidents that persons interested in conducting legal proceedings should be perfectly alive to. There was a probability, when such an accident occurred, one of this class of practitioners would go to the injured man at once, and say—"Let me act for you, because if you have no one to look after your interests, and you do not serve your notice of action in time, you will be out of Court. You have no time for consideration in the case. You are suffering from an accident, and you must determine at once whether you will bring an action for compensation or not." It certainly appeared to him that the provision would foster litigation; and instead of leading to correspondence with the employer, and an equitable arrangement, would do great injury to the class of persons they were anxious to serve. He did not assume that the right hon. Gentleman (Mr. Dodson) would accept every suggestion that was made to him; but if, after this suggestion, the right hon. Gentleman adhered to his Amendment he should certainly support it, on the ground that it would be a very considerable improvement of the clause as it stood.

MR. DODSON said, he would state in a few words, in answer to the hon. and learned Gentleman, why this clause was inserted. In the first place, he might say that the clause was taken, as it stood in the Bill, bodily from the Bill of the hon. Member for Stafford (Mr. Mac-

*Sir Hardinge Giffard*

donald), who would certainly not be suspected of designing to introduce a clause adverse to the interests of the working classes. The Government had adopted it into the Bill because they thought it was a clause which, in its operation, would not bear unfairly upon the workmen, and which, at the same time, would only be just and reasonable to the employers. There were actions against employers which arose out of the negligence of one man towards another; and it was only fair to the employer that he should have notice given to him within a reasonably short time, so that he should be able to make a full inquiry while the matter was fresh, and there should be no surprise, as there might be if a case was to go on behind his back, and he was to have no notice of it until a considerable time had elapsed. He thought the Committee would feel that it was possible for the employer to be placed in a disadvantageous and unfair position, in which it would be impossible or difficult for him to ascertain the real facts. That was the object with which the clause was adopted. But the Government thought, on further consideration, that this requirement of notice of injury to be given within six weeks was too short a time to enable a man to ascertain the nature and extent of his injury; and, therefore, they thought it would be only fair to adopt the Amendment proposed by his hon. Friend the Member for Glasgow (Mr. Anderson), and to substitute three months for six weeks. He did not understand the hon. and learned Gentleman to object to the extension of the period within which notice of action should be given. It was the limitation of period within which actions were to be brought under Lord Campbell's Act.

MR. J. W. PEASE remarked, that there was also a practical difficulty which had not been touched by the hon. and learned Gentleman opposite. Perhaps his right hon. Friend would be content to leave this clause out, if provision were made for giving a comparatively short notice of injury. An Amendment to that effect had already been placed on the Paper by his hon. Friend the Member for Hull (Mr. Norwood), who proposed that notice of injury should be given within 14 days. It was important that notice of injury should be given as soon as possible, and it was desirable to give sufficient time, and no more than suffi-

cient time, for a man to make up his mind whether he was injured or not. Such notice should be given within 14 or 20 days, and then leave the man to bring his action whenever he liked, the employer having thus been made aware of the claim. In the mining population, with which he was acquainted, there were numbers of young men who were necessarily of a migratory class. They worked for a week or a fortnight in one colliery, and then went for a fortnight to another, especially in such times as these when work was uncertain; and in the course of a few weeks one of these young men, with no family ties, would often be working in three or four places. Therefore, it seemed to be necessary that, before a man left the employment in which he had sustained an injury, he should, at the very least, be required to give notice of the injury. He could not conceive that there was anything wrong in this, or that it could be regarded in any way as a curtailment of the privileges of the workmen. Whenever a man thought himself to be hurt he should afford the employer an opportunity of investigating the case with the least possible delay. Two or three weeks would give the man an opportunity of sending notice, and his employer the opportunity of sending for the doctor, and of obtaining the best possible advice as to the nature of his injuries. He hoped, therefore, that the Government would accept the proposal of the hon. Member for Hull. The time for bringing the action might be left almost unlimited; but the notice of injury should be short.

MR. HERMON thought that notice of injury could not be given too quickly to the employer; but he should be very sorry to see the time for bringing an action limited to six weeks. The Amendment now proposed for extending the period to three months was, he thought, an alteration for the better. It must be borne in mind that when a notice of action was given it had a tendency to stop all negotiations for an amicable arrangement, and only stirred up ill-feeling. In the absence of a notice of action the injured man and his employer might often come to terms without the necessity of resorting to an action at all. For this reason, he thought it would be an advantage to extend the period named in the Bill for notice of action, particu-

larly as there was always in these cases a desire on the part of the employer to negotiate and come to terms.

Mr. NORWOOD said, he had an Amendment on the Paper which had already been explained by his hon. Friend the Member for South Durham (Mr. Pease). He was quite indifferent as to the time for bringing an action; but he certainly thought they ought to require that notice of injury should be given within 14 days. Hon. Members, in discussing the Bill, had principally in their minds the serious accidents which occurred in mines and upon railways. But in mines and on railways, when accidents occurred, they were generally of a very serious nature indeed, and in such cases the employers had ample notice of them; from common report, and from public sentiment, they were made acquainted with the nature and extent of the injuries inflicted. But in connection with other businesses a vast number of accidents occurred which were of a comparatively trivial nature. Men slightly injured a hand or maimed a leg by some article falling upon them; and it would be most unjust, when such injuries, involving compensation, were sustained, if they were not at once brought to the knowledge of the employer. If the Committee accepted his Amendment, or something to the same effect, he would be quite willing to extend the period for bringing the action.

Mr. BARNES thought it was very important that the time in which the notice of injury could be given should be limited to 14 days, so that all the circumstances of the accident could be taken into consideration.

Sir H. DRUMMOND WOLFF remarked, that a man might have received such serious injury in an accident that within three months he could not take the proper steps to give notice of action; and why, therefore, should he be debarred from receiving compensation? There were accidents in mines and on railways in consequence of which men were laid up for months and totally unable to take the steps required by this clause. The Government, therefore, ought to seriously consider this matter, so that the persons very badly injured should not be debarred from compensation. Unless care were taken it would be only those trivially injured who would be able to receive compensation.

*Mr. Hermon*

Mr. MORGAN LLOYD said, that it seemed to him that the proposal now made by the Government was, upon the whole, a reasonable one, for three months in which notice should be given was certainly a short enough period. Many hon. Members, who had made remarks upon the Amendment, had assumed that accidents did not occur which resulted in death or in any serious injury. In case of death it was necessary that time should be afforded for consideration as to who was to give notice of action. It might be some time before the relatives of the deceased workman could understand their position, and some time especially before they could understand who had the right to bring the action. It, therefore, appeared to him that three months was not too long a time in which to allow the notice of action to be given. There was, no doubt, a great deal of force in what the hon. and learned Member for Launceston (Sir Hardinge Giffard) had stated, because it was not quite clear that the clause was at all justifiable. Much could be said in favour of the clause, and equally good arguments might be advanced against it. In his opinion, the strongest argument in favour of the limitation was the danger lest a workman, when discharged, might be induced by someone or other to bring an action against his late employer without sufficient cause. To guard against such an event the limitation was justifiable.

Mr. BROADHURST thought, with several others, that the clause might very well be omitted; but in order not to appear to depart from the principle of the Bill, he would say that the proposal now made with regard to the notice of the injury was very reasonable in itself, although he thought that 14 days was too little time to allow in which the notice of injury could be given. They ought to have six weeks allowed, or, at the very least, a month. But, apart from that, he believed that in all well-regulated works — and there were large employers of labour in the House who would be able to correct him if he were wrong — it was the custom for the manager to report all the accidents to his employer, together with the circumstances surrounding the accidents. It would, however, be only fair that six weeks be allowed in which to give notice of the injury; because it

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MR. HERMON thought that notice of injury could not be given too quickly to the employer; but he should be very sorry to see the time for bringing an action limited to six weeks. The Amendment now proposed for extending the period to three months was, he thought, an alteration for the better. It must be borne in mind that when a notice of action was given it had a tendency to stop all negotiations for an amicable arrangement, and only stirred up ill-feeling. In the absence of a notice of action the injured man and his employer might often come to terms without the necessity of resorting to an action at all. For this reason, he thought it would be an advantage to extend the period named in the Bill for notice of action, particu-



ships in any event. It must be admitted that there were exceptional cases in which a workman receiving injuries would be debarred from compensation if the time in which he could give notice were too limited; but the Committee must recollect, also, that if they allowed too long an interval between the accident and the giving of the notice they might do an injustice to the master. Their object ought to be, in legislation, to do the least possible injustice to anybody, and he hoped the Government would consent to substitute "six weeks" for "14 days."

MR. DODSON said, he had listened with great attention to the discussion which had just taken place; and he gathered that the feeling of the Committee, on the whole, was to prefer that notices of injury should be given instead of notices of action. He was willing, therefore, to defer to that feeling, and would propose that the first part of the clause should read—

"An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within six weeks."

He felt that he must adhere to the six weeks.

MR. WARTON thought it extremely inconvenient to have kaleidoscopic legislation. They had an Amendment proposed last night, by the right hon. Gentleman (Mr. Dodson), in such a way as to show that he wanted to force it through the Committee between 25 minutes past 11 o'clock and 29 minutes past. The right hon. Gentleman had now changed his mind, and he (Mr. Warton) objected to such sudden changes and alterations. Let them try to do one thing at a time, and then, perhaps, they might do it well. He understood that the Question before the Committee was the substitution of the words "three months" for "six weeks," and upon that point he was anxious to address hon. Gentlemen. This was one of the most important questions in the Bill; and, in the first place, he desired to say, with the utmost deference to the hon. and learned Member for Launceston (Sir Hardinge Giffard), that he felt bound to dissent from something he had addressed to the Committee. If this were a Party question he would follow the hon. and learned Member implicitly; but it was not a Party question, and he

must be allowed to say that he did not quite agree with the hon. and learned Member's history of the law with regard to the notices of action. The history was perfectly correct, so far as it went; but it did not come down quite late enough. The hon. and learned Gentleman stated that notices of action were only given in the case of Custom House officers, magistrates, and others in a like position. But he (Mr. Warton) must direct the attention of the Committee to the late Larceny Act, by which notices of action were provided for not only in the case of masters and servants or employers and *employés*, as they were now denominated, but in the case of the public. If one man accused another of felony, the accused was entitled to a notice of action. The principle of notice of action was more extensive than had been laid down by the hon. and learned Gentleman. The question now under discussion was one of justice. All practical employers of labour, all those who knew what business really was—whether they be shipowners, mineowners, or anything else—knew perfectly well that it was desirable that, as soon as possible, an employer should have the means and opportunity of finding out what really had taken place; and therefore, in his opinion, three months was a very long time in which to allow the service of notice upon the master. In three months all traces of the accident might be removed; the witness might have left the locality; and thus the employer would be quite unable to make the necessary inquiries. It must not be assumed that in all cases an employer knew everything that had happened. A man might receive an injury to his foot, at first say nothing about it; but, eventually, make a claim for compensation. He regarded this as a very serious matter, and was inclined to think that a month would be a reasonable time to allow. As the Government preferred six weeks he would not attempt to oppose them; but he would say that the frequent changes made by the Government showed great weakness on their part. A month would be quite long enough to allow, and would be fair alike to employer and employed. He was afraid the Government had a sort of fear that they would not be keeping a kind of bargain with the workmen. Let them get rid of all class considera-

*Mr. A. J. Balfour*

tions and take a broad view of the matter. Let them take, for instance, two men who were not master and servant. Was it not fair that some notice should be given? Was it not fair that the defendant in general should have some notice of the proceedings to be taken against him? He quite agreed with the hon. Baronet the Member for Midhurst (Sir Henry Holland), whose observations the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) did not seem to comprehend, that a notice of action was what should be given, as notices of injury would, unquestionably, involve great technical objections. The earlier the notice of action was given, the longer would be the time in which a compromise might be arrived at. In the interest of the employer, and in the interest of justice between man and man, it was not fair that the evidence should be kept back. It was not fair that an opportunity should not be given to the defendant to meet his case.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) appealed to the Committee, if they wanted to make any progress, to come to some determination upon this question. He assured hon. Gentlemen that the Government had no desire to change or shift about; but the very obvious object of the discussion in the House was to ascertain the views of hon. Gentlemen. If the Government intended to blindly adhere to the Bill as originally drafted, they had better say that the Bill should be carried without discussion. He trusted the Committee would be spared observations such as they had heard from the hon. and learned Member for Bridport (Mr. Warton), that the Government showed a desire to be convinced by argument. They had consented to the suggestion that there should be a notice given that an injury had been sustained, and they would avoid the difficulty of requiring that a technical description of the injury should be given. If they did that, and allowed six weeks in which the notice might be given, they would, he believed, best follow the sense of the Committee.

Mr. CRAIG: I think it is necessary that some remarks should be made by a practical man with regard to this matter. Accidents occurring in mines are sometimes of a very alight cha-

racter; and if there is no notice whatever given to the employer of the injury, all traces of the accident may disappear, even within a fortnight. Now, there are some substantial differences between notice of action and notice of injury; and I quite agree with the hon. and learned Gentleman on the other side (Sir Hardinge Giffard) that an injured person might be placed at a most serious disadvantage by having his notice of action limited to three, or even six, months. But the employer might also be placed at a serious disadvantage by having notice of injury suspended even for a fortnight. The Mines Regulation Act requires owners, agents, or managers, to give notice to the Inspector, within 24 hours, of any death or serious bodily injury occurring in their mines. I have ascertained that in North Staffordshire the notices of injury of a serious character are something like 10 non-fatal to one fatal accident; while the non-fatal accidents actually occurring are in the proportion of 60 to one. A great number of those injuries are very alight; and, therefore, an employer might have no knowledge whatever of such having taken place. A person receiving a slight injury might go away elsewhere, and might bring his action without the employer being able to take any efficient steps to defend himself. I think notice of injury might be given within 24 hours, as required by the Mines Regulation Act. At all events, I think a fortnight is long enough, if, indeed, not too long. I do hope the Government will certainly not extend the time for notice of injury beyond 14 days. If they do, I can quite see that difficulties will arise, and employers will be placed at a most serious disadvantage; because the person intrusted with supervision, who, it may be alleged, has, by his negligence, occasioned the injury, might have left the employment, and even the neighbourhood, where the accident occurred.

Mrs HENRY JACKSON had no objection to raise to the Government proposal, for it was fair and reasonable and proper that there should be a clause of this kind. It must be remembered that they were proposing a new liability altogether, the operation of which no one could foresee. They were bringing into play cases in which the presumption was that the number of accidents would

be very large, and that the people to suffer by them would be of the migratory class. Looking at the thing from a practical point of view, the original proposal of the Government was a very fair and reasonable solution of the question. When the Government introduced their Bill, they all presumed that they would stand by their own propositions. Objections had been taken, and the Government had yielded. He would not quarrel with the decision with respect to the six weeks. Somebody must determine the point. The principle of the clause, however, was the limitation of the action, and the notice of the injury was, of course, included. He did not understand how the clause was going to run.

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL): The words will be "notice that injury has been sustained," instead of "notice of such action."

MR. THOMPSON wished to call the attention of the Committee to the fact that these men to whom the accidents occurred very seldom had any money in hand, and when they were injured they applied to one of two parties—either to their employer when their wages were payable, or to some benevolent society to which they belonged. If there was a possibility of an action hanging over an employer, the benevolent society would naturally say—"We will give this man nothing, because in a short time he will have a right of action against someone. We should be merely wasting our money." In the interest, therefore, of the workman, it was necessary that he should be compelled—either he or his family—to give notice on the next pay-day as to the course it was intended to adopt. If the man's reason were affected, then came to his assistance one of the great principles of English equity, which gave relief to the afflicted by extending the time in matters of this kind, and which would be administered by the County Courts. But in nine cases out of 10 these actions would be for small amounts. He held in his hand a paper from a benevolent relief fund, showing what they had done. Last year, it appeared, they had relieved persons, the subjects of accidents, to the number of 12,000. In 9,000 cases they had paid 15s. each, or something like it. Surely, the Committee were not going to allow such

trivial cases as these to hang over the owners of property for two or three months. The thing would be entirely forgotten if such a length of time were allowed, for employers and their managers had something else to do than occupy their minds with such small matters. The living and healthy had to be taken care of, as well as the injured, and owners of mines and other great works would have their time unnecessarily taken up if notice of an injury were put off, and if they were required to bear in remembrance the details of any slight accident for many weeks after it happened. He hoped the Committee would adhere to the original clause.

MR. MORGAN LLOYD wished to know whether the Government intended that the notice of injury should be in writing, or should be given by word of mouth; because if it were to be given in writing, the words "in writing" should be inserted. He mentioned this now, because he wished it to be considered before the Amendment was put.

MR. DODSON said, that as it was necessary that notice of injury should be given to the employer, machinery should be provided for that notice; and it was, therefore, proposed to bring up a short clause dealing with the matter at a later stage.

AN hon. MEMBER said, it was necessary to limit the time at which notice of injury should be given. He would give, as an illustration, a case which had come within his own observation. In 1854 a lamentable accident, through the bursting of a reservoir, occurred in Sheffield, by which 200 or 300 people were drowned. The Water Company, to whom the reservoir belonged, were urged to at once employ all the valuers in town to go round and see what the damage was. They did not take the advice pressed on them. They allowed time to go by, and the Directors ultimately came to the conclusion that, instead of the damages being limited to £150,000, or £200,000, they amounted to nearly £400,000. They all knew how easily men were induced to follow a bad example that might be set before them. Therefore, he would compel everyone in case of accident, whether on a railway or anywhere else, to give notice without loss of time. They might depend upon it

*Sir Henry Jackson*

tions and take a broad view of the matter. Let them take, for instance, two men who were not master and servant. Was it not fair that some notice should be given? Was it not fair that the defendant in general should have some notice of the proceedings to be taken against him? He quite agreed with the hon. Baronet the Member for Midhurst (Sir Henry Holland), whose observations the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) did not seem to comprehend, that a notice of action was what should be given, as notices of injury would, unquestionably, involve great technical objections. The earlier the notice of action was given, the longer would be the time in which a compromise might be arrived at. In the interest of the employer, and in the interest of justice between man and man, it was not fair that the evidence should be kept back. It was not fair that an opportunity should not be given to the defendant to meet his case.

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MR. CRAIG: I think it is necessary that some remarks should be made by a practical man with regard to this matter. Accidents occurring in mines are sometimes of a very slight cha-

racter; and if there is no notice whatever given to the employer of the injury, all traces of the accident may disappear, even within a fortnight. Now, there are some substantial differences between notice of action and notice of injury; and I quite agree with the hon. and learned Gentleman on the other side (Sir Hardinge Giffard) that an injured person might be placed at a most serious disadvantage by having his notice of action limited to three, or even six, months. But the employer might also be placed at a serious disadvantage by having notice of injury suspended even for a fortnight. The Mines Regulation Act requires owners, agents, or managers, to give notice to the Inspector, within 24 hours, of any death or serious bodily injury occurring in their mines. I have ascertained that in North Staffordshire the notices of injury of a serious character are something like 10 non-fatal to one fatal accident; while the non-fatal accidents actually occurring are in the proportion of 60 to one. A great number of those injuries are very slight; and, therefore, an employer might have no knowledge whatever of such having taken place. A person receiving a slight injury might go away elsewhere, and might bring his action without the employer being able to take any efficient steps to defend himself. I think notice of injury might be given within 24 hours, as required by the Mines Regulation Act. At all events, I think a fortnight is long enough, if, indeed, not too long. I do hope the Government will certainly not extend the time for notice of injury beyond 14 days. If they do, I can quite see that difficulties will arise, and employers will be placed at a most serious disadvantage; because the person intrusted with supervision, who, it may be alleged, has, by his negligence, occasioned the injury, might have left the employment, and even the neighbourhood, where the accident occurred.

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to him, by the right hon. Gentleman who had charge of the Bill, that six months would be a reasonable time within which an action could be brought; and if that was considered reasonable, he was willing to accept such limit. He would not trouble the Committee to discuss the matter at greater length, and he would only say that the question was one which he thought should be carefully considered. He had brought his proposal forward for the purpose of assisting the carrying out of the objects of the Bill, and for the purpose of benefiting both parties—both the employer and the workman.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, there was a very good reason why he could not accept the proposal, and it was this. The provisions of the Bill would apply equally to England and Scotland, and Lord Campbell's Act did not apply to Scotland. The spirit of the clause the Government were disposed to accept, because it certainly seemed reasonable that where an action was brought in respect of a man's death a sufficient amount of time should be given to the representatives to take out letters of administration. If the hon. and learned Gentleman would withdraw his Amendment, and allow these words to be added to the end of Clause 4:—"or, in case of death, within six months from the time of death," the difficulty would be met. They certainly considered six months a more reasonable time than 12.

MR. INDERWICK said, he was willing to accept the suggestion. He thought, however, it would be desirable that some words should be added giving the County Court Judge, or on whomsoever the duty devolved, the power of distributing the compensation.

THE ATTORNEY GENERAL (Sir HENRY JAMES): There is a limitation as to time.

MR. INDERWICK: Will the hon. and learned Gentleman bring in the words?

THE ATTORNEY GENERAL (Sir HENRY JAMES): We have got the clause amended.

Amendment, by leave, *withdrawn*.

Amendment proposed, at the end of clause, to add—"or, in the case of death, within six months of the time of death."  
—(Mr. Attorney General.)

Mr. Inderwick

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5 (Trial of actions).

MR. HOPWOOD moved, in page 2, line 34, after "workman," to insert "or his personal representatives."

MR. DODSON said, he was prepared virtually to agree to the Amendment; but if the words suggested were inserted, a consequential Amendment would have to be made in the 1st clause. He proposed to obtain the object the hon. and learned Member had in view by omitting the words "by a workman;" and the clause would then read—

"Every action for the recovery of compensation under this Act shall be brought in a county court, but may be removed into a superior court in like manner as an action commenced in a county court may by law be removed."

Amendment agreed to.

MR. HOPWOOD moved, in page 2, line 35, to leave out "shall," and insert "may."

THE ATTORNEY GENERAL (Sir HENRY JAMES) hoped the Committee would not agree to the Amendment. The object of the clause, as it stood, was that litigation should be as little costly as possible; and looking at this fact, and at the fact that these actions were only for small amounts of compensation, it would be well to avoid the costs of going into Superior Courts. Ample power to move the case into a Superior Court would be given in more important cases.

DR. WEBSTER said, that before the matter was fully disposed of, he wished to submit a point which he thought of some importance. If the clause stood in its original form with a paragraph giving to workmen suing under it unlimited power of appeal in Scotland, it would be all very right; but while, in the first paragraph of the clause, there was full and unlimited power of appeal to the Court of Session in all cases, that by the Amendment would be limited and fettered in the case of Scotland. For the first time restrictions in the way of appeal in a great many cases would be introduced. He had an Amendment on the Paper to obviate this evil; and if he did not succeed in his attempt to get the subsequent sub-section, in regard to Scotland,

that the more rapidly a workman gave notice of an injury the better it would be for himself and the whole of the community. He hoped the Committee would support the Amendment for the limitation of time.

Amendment, by leave, *withdrawn*.

Mr. DODSON said, he proposed to omit the words "such action will be brought," in order to insert the words "injury has been sustained."

Amendment proposed,

In page 2, lines 30 and 31, to leave out the words "such action will be brought," and insert "injury has been sustained."—(*Mr. Dodson*.)

Amendment *agreed to*.

Mr. MORGAN LLOYD said, that in the Bill the limit of time within which an action might be brought was six months; but he proposed to alter it to 12 months. He would not take up the time of the Committee by saying more than that it was a very novel thing to introduce a limitation of action different from the ordinary limitation. He agreed with a great deal that had been said on the other side with regard to introducing a new limitation; but, in order to meet the thing half-way, it seemed to him it would be reasonable to let the workman have 12 months instead of six to bring his action.

Amendment proposed, to leave out the word "six," and insert "twelve."—(*Mr. Morgan Lloyd*.)

Amendment *agreed to*.

Mr. INDERWICK said, he had an Amendment on the Paper to this clause; but if the right hon. Gentleman who had charge of the Bill was inclined to accept the principle of it, he would leave to him the terms in which it should be drawn. Under the 1st clause of the Bill the relatives of a workman who was killed in the course of his employment were entitled to compensation. By Lord Campbell's Act it was provided that if any person was killed through the negligence of another person, whether it was criminal negligence or otherwise, an action might be brought within 12 months by the executors of the deceased person. There could only be one action brought, and the compensation given, if any, was distributed amongst the rela-

tives specified—the mother or father, the husband or wife, or children of the deceased person. The Act provided machinery by which this distribution was made, and the amount of compensation settled. And it provided that an action was to be brought within a limited time of the death of the person. Now, the present Bill gave a right to the relatives of the deceased workman to claim compensation; but it did not provide such machinery for obtaining that compensation as, in his opinion, was right and desirable, in the interest either of the persons claiming compensation or of those against whom the claim for compensation was made. The words he proposed to add to the clause were these—

"Provided always, That, where the injury results in death, any such action shall be brought in the name of the executor or administrator of the person deceased, and may be brought at any time within twelve calendar months after the death of such person, and such action shall be tried, and the compensation dealt with in accordance with the provisions of the Act ninth and tenth Victoria, chapter ninety-three, so far as the provisions are not inconsistent with this Act."

The result of this would be that, where a workman lost his life through the negligence of some person having superintendence, according to the terms of the Act there must, first of all, be an executor or administrator appointed before an action could be brought. It must be brought within 12 months of the death of the workman, and the compensation would be distributed according to the provisions of Lord Campbell's Act amongst those declared in that Act to be entitled to it. The only point upon which he thought there could be any substantial difficulty was that which limited the period within which actions could be brought. He had made the limit "twelve calendar months after the death of such person," and he had selected that time because it was the time fixed in Lord Campbell's Act. It was necessary that the period over which notice of injury could be given should be somewhat longer than it was at present, as it might be necessary to appoint legal personal representatives. It stood to reason that after a man's death sufficient time should be allowed for the necessary legal process; but, still, he did not stand on 12 months. He would be willing to accept any time that the Committee might think reasonable. It had been suggested

MR. GORST: I propose to move an Amendment to the 1st sub-section.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL): I propose, in the same clause, after the words "like manner," to insert "and upon the same conditions."

Amendment, in page 2, line 36, after "manner," insert "and upon the same conditions,"—(Mr. Solicitor General,)—put, and agreed to.

MR. GORST said, that in order to put the hon. Member for Preston (Mr. Hermon) in Order, he would move the addition of the following Proviso to the 1st sub-section—

"Any workman, however, claiming compensation under this Act, in case he does not employ counsel or attorney, may be assisted at the hearing of the said action, upon giving such notice to the said judge as aforesaid, by any secretary or other officer of any one trades or miners' union or benefit society to which he belongs. In no case shall any costs for any matter under this Act be allowed to either party, and no proceeding under this Act shall be removed to any superior court."

MR. HERMON said, he was afraid that actions of this kind were frequently brought expressly with a view to costs, the result being that the money went into the hands of the attorney instead of the plaintiff. He hoped, therefore, that the words just read would be adopted.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) entirely sympathized with the object in view; but thought the Government had shown, by the clause they had inserted, that they had every desire to prevent litigation, and to keep the money, as far as possible, out of the attorneys' hands. This was one great reason why they had desired that these actions should be brought in the County Court in the first instance, and, as much as they possibly could, be kept there. They were not a great source of remuneration for the attorneys as compared with what they would be in the Superior Courts. Even if the cases were kept in the County Courts, there might be more costs than they would desire going into the lawyers' hands; but, at the same time, he thought it would not be right to give a right of action such as was proposed, and to allow the working man who brought it assistance that was not professional. He could not, therefore, accept the Amendment.

MR. HERMON said, he thought it might be left to the discretion of the Judge to allow what costs he considered proper.

MR. W. HOLMS thought it desirable that the workman should be allowed to employ an attorney if he wished to do so. He regarded the Amendment as a very good one, and should give it his hearty support if it went to a division.

MR. HINDE PALMER said, so far, the discussion had been almost wholly confined to the question of costs; but he understood that the hon. and learned Member for Chatham (Mr. Gorst) had adopted the whole of the matter in the paragraph beginning with the words "any workman." There was, he thought, a good deal in that paragraph, because there might be many a poor workman who could not afford to employ a solicitor or counsel; and there was no reason why he should not avail himself of the assistance of some intelligent person, such as the secretary of the trades union to which he might belong. There certainly could be nothing that was at all objectionable in such a procedure. Consequently, he thought it would be desirable to adopt that part of the Amendment, and thus to allow the workman to have the assistance of some person better qualified than himself to act as his advocate.

THE ATTORNEY GENERAL (Sir HENRY JAMES) strongly objected to a proposal which would introduce into these cases a class of persons who would be in no way under the control of the Court, who would not be amenable to the ordinary professional rules, and whose action would have a tendency to foster litigation, which they would conduct without any legal knowledge or any of the advantages of professional judgment or experience.

MR. GORST did not share in the objection taken by the hon. and learned Attorney General, because, in the case that had been put, the assistance needed by the suitor would be rendered by an officer of the trades union to which the plaintiff himself belonged. There was one part of the Amendment which the Attorney General seemed to have overlooked—namely, the proviso that in no case should costs be allowed. That being so, he should like to know how the officer of a trades union would

be able to make a trade out of giving his assistance to those members of the society with which he was connected who had claims of this kind to put forward? It seemed to him that the Amendment was one which deserved the very serious consideration of the Government. He did not wish to press it on the acceptance of the Government at that moment if they wished to have further time to consider it. But he certainly did not see why a poor man claiming compensation for injury should be compelled to pay the cost of professional assistance where there was not the least necessity for it. If he did not want professional aid, why on earth should they not allow the officer of his trades union to act for him?

SIR HARDINGE GIFFARD said, the hon. and learned Member for Chatham (Mr. Gorst) seemed to think that that part of the Amendment which would deprive the so-called advocate of costs, would prevent a trade being driven in that way. The hon. and learned Gentleman seemed to have entirely forgotten that where a claim was made there was something to be recovered, and that it might be a part of the bargain that some portion of the damages should be given to the person acting as the plaintiff's advocate. He believed that the most pestilent class to be found anywhere were those persons who, though not lawyers themselves, haunted the Courts of Justice for the purpose of obtaining employment in the assumed character of professional advisers. They were under no professional responsibility, they had no professional etiquette; and the result was that they merely fostered litigation to such an extent, that it would be almost impossible to keep them down if an Amendment of this sort were to be passed for the purpose of giving them encouragement.

MR BRADLAUGH said, there were many thousands of workmen who did belong to trades unions at all, and who would, consequently, not be provided for by the Amendment.

SIR H. DRUMMOND WOLFF thought the Amendment was based on the principal characteristic of Diana of the Ephesians. What had been said by the hon. Member for Northampton (Mr. Bradlaugh) was entitled to great weight; but, at the same time, he did not see why, when workmen were members of a par-

ticular trades union, they should not have the assistance of an experienced man belonging to the same society.

MR. HERMON said, he was anxious to save the time of the Committee; and of his hon. and learned Friend the Attorney General would consider whether a clause somewhat of the character of the Amendment could be brought up in Committee, he should be satisfied. He perceived plainly that the Amendment had been cut in two by misadventure, and the result was that it did not meet what he wished to see carried out.

MR. DODSON was afraid he could not hold out any hope in the direction desired by the hon. Member. It was for the hon. Gentleman to take what course he deemed most fitting.

MR HERMON said, as the Amendment did not carry out his meaning he was willing to withdraw it, and would bring it up again on the Report.

SIR EARDLEY WILMOT was glad to hear that the Amendment was reserved for the Report. Having long held office as a County Court Judge, he was willing to bear his testimony to the extreme undesirability of opening those Courts to non-professional men. He had seen in the Marylebone County Court the mischief that resulted from such a system. The persons who set themselves up in the character of advocates, without any knowledge of the rules of evidence, and without having any of the qualifications of legal men, were of no real assistance to the litigants; and those who employed them were, in reality, their own enemies, and were more heavily muloted in expenses than if they had been represented by barristers or attorneys.

MR. HICKS thought they ought not to exclude the working man from the right of employing an assistant; but he would suggest that the opinion of the Judge should be obtained as to the necessity of such assistant.

*Amendment, by leave, withdrawn.*

MR. NEWDEGATE said, he would move the omission of the sub-section, for the purpose of putting himself in Order, so that he might be able to put a question to Her Majesty's Government, or, rather, to the Attorney General. He had, yesterday, alluded to a case which recently occurred—namely, the Risca colliery explosion—in which there had



been a sacrifice of 120 lives. He had added that the compensation in that case, as it was not owing to the negligence of the men themselves, would amount to £28,000. He was speaking then on the authority of Mr. Minton, one of his constituents, who was well acquainted with these matters; but, unfortunately, he had committed a *lapsus lingue*, for which he had to apologize. Mr. Minton informed him the damages in the case he had mentioned would only amount to £24,000, and not to £28,000. However, in any case of this sort, in which a large number of lives were sacrificed, now that the Committee had decided that three years' wages were to be paid by the owners of the mine in the case of insufficient proof that an *employé* had occasioned the accident, it was evident that the amount of compensation, or penalty, upon the owner would be very large. In that case, in addition to loss of property by the destruction of the workings in the mine, there would be a loss which, in all probability, would amount to something like £30,000. That would be equivalent to ruin in many cases. And what he wanted to know was whether, by the clause appointing assessors, the Court to be constituted under the Bill when it became an Act, or any Superior Court, in assessing the compensation which would be in the nature of damages, would have power to take the equity of the case into consideration, and so to proportion the mixed compensation and penalty as to meet the circumstances of the case? He hoped that he had made the Committee understand what he meant. Was it the intention of Her Majesty's Ministers that three years' wages to the representatives of miners who had lost their lives should, under all circumstances, where negligence had been proved, however slight, and the accident was attributable to the carelessness of the men themselves, be exacted from the owner of the mine, or was there to be an equitable power to reduce that amount on considering the whole circumstances of the case?

SIR HARDINGE GIFFARD said, he should like to call the attention of the Attorney General to the form of the subsection. He gathered that it was the general opinion of the Committee that they should not add to the expense of trials of this description. If that were

so, he could not understand what the object could be of appointing two assessors. They had already established the principle upon which compensation was to be assessed, not that three years' wages should be, of necessity, the compensation awarded, but that that should be the maximum. The duty of inquiring into the case and assessing the damages was thrown upon the County Court, and he could not conceive what object they could gain by having two assessors. If they had assessors at all they must add to the expense; and if there were two of them, each might take a different view; and, in that event, the person who would be called upon to decide in the end would really have to decide between the assessors themselves. Therefore, there was no object to be gained by appointing assessors at all.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, the hon. Member for North Warwickshire had not altogether understood the effect of the principle of the compensation which had been adopted. That principle was, that three years' wages should form the maximum of the amount given under the order of the Judge and upon the finding of the jury. In answer to the remarks of his hon. and learned Friend opposite (Sir Hardinge Giffard), he wished to point out that his hon. and learned Friend overlooked the position which the County Court now held in relation to assessors. By the Act of 1876, Section 5, in any action or proceeding in the County Court, the Judge could, if he thought fit, on an application being made to him, summon to his assistance men of skill and experience to act as assessors, and assist him in arriving at a decision. As, therefore, the power of appointing assessors already existed, it was thought better that this provision should be inserted in the Bill; because, by the following section, power was given to make special rules and regulations, in order to show the form of duties which these particular assessors would have to discharge. The Judge would have power to nominate some skilled person, or employer, or a workman representing the interests of the plaintiff, or an engineer, to give theoretical advice. As that power already existed under the general provisions of the Act of 1876, it was thought better to insert in the Bill a special power of

*Mr. Newdegate*

be able to make a trade out of giving his assistance to those members of the society with which he was connected who had claims of this kind to put forward? It seemed to him that the Amendment was one which deserved the very serious consideration of the Government. He did not wish to press it on the acceptance of the Government at that moment if they wished to have further time to consider it. But he certainly did not see why a poor man claiming compensation for injury should be compelled to pay the cost of professional assistance where there was not the least necessity for it. If he did not want professional aid, why on earth should they not allow the officer of his trades union to act for him?

SIR HARDINGE GIFFARD said, the hon. and learned Member for Chatham (Mr. Gorst) seemed to think that that part of the Amendment which would deprive the so-called advocate of costs, would prevent a trade being driven in that way. The hon. and learned Gentleman seemed to have entirely forgotten that where a claim was made there was something to be recovered, and that it might be a part of the bargain that some portion of the damages should be given to the person acting as the plaintiff's advocate. He believed that the most pestilent class to be found anywhere were those persons who, though not lawyers themselves, haunted the Courts of Justice for the purpose of obtaining employment in the assumed character of professional advisers. They were under no professional responsibility, they had no professional etiquette; and the result was that they merely fostered litigation to such an extent, that it would be almost impossible to keep them down if an Amendment of this sort were to be passed for the purpose of giving them encouragement.

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ticular trades union, they should not have the assistance of an experienced man belonging to the same society.

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MR. DODSON was afraid he could not hold out any hope in the direction desired by the hon. Member. It was for the hon. Gentleman to take what course he deemed most fitting.

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SIR EARDLEY WILMOT was glad to hear that the Amendment was reserved for the Report. Having long held office as a County Court Judge, he was willing to bear his testimony to the extreme undesirability of opening those Courts to non-professional men. He had seen in the Marylebone County Court the mischief that resulted from such a system. The persons who set themselves up in the character of advocates, without any knowledge of the rules of evidence, and without having any of the qualifications of legal men, were of no real assistance to the litigants; and those who employed them were, in reality, their own enemies, and were more heavily mulcted in expenses than if they had been represented by barristers or attorneys.

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*Amendment, by leave, withdrawn.*

MR. NEWDEGATE said, he would move the omission of the sub-section, for the purpose of putting himself in Order, so that he might be able to put a question to Her Majesty's Government, or, rather, to the Attorney General. He had, yesterday, alluded to a case which recently occurred—namely, the Risca colliery explosion—in which there had

mean appointed by the Judge after the trial had been commenced. If it did not mean that, he certainly did not know the meaning of the words.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the word "upon" was the usual legal term. In regard to trial, all these appointments would be subject to the usual legal rules.

*Amendment agreed to.*

MR. HINDE PALMER said, that, last night, it was stated by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) that the more this matter was looked at, the more it would be felt that, in the long run, the only practical and satisfactory solution was that the doctrine of common employment should be swept away altogether. He was very much inclined to agree with the right hon. Gentleman that that was the conclusion to which the attention of the Committee ought to be directed. But he was quite aware that it was too far to expect them to go at the present moment; and, therefore, it was his intention, by the Amendment he was about to propose, to bring back that doctrine of common employment to the principles of common sense. The doctrine of common employment had arisen simply by the dictum of the Judges. It had been laid down by the Judges as a mere technical rule of law, affording a plea in bar of any further proceedings. What he suggested by his Amendment was this—that that should no longer be the case; but that, whenever the defence of common employment was set up, the Judge should leave that as a question to be decided by a jury. In his own mind, he felt strongly convinced that this was the proper way to regard the matter; because the question whether two persons in a certain manufactory, or in a mine, were actually engaged in common employment was not a legal phrase to be used as a plea in bar, but a fact to be tried by men of experience and common sense, who would decide whether the injured man, and the man who occasioned the injury, were or were not, as a matter of fact, engaged in a common employment. It seemed to him that this was a mode of getting out of the difficulty set up by the judicial decisions. In adopting the doctrine of common employment, it was desirable that they should leave it to men of com-

mon sense, upon a jury, as a matter of fact, to decide whether it was common employment. By that means they would get over the difficulty, without expressly and entirely abolishing the plea of common employment.

THE CHAIRMAN: Will the hon. and learned Gentleman explain how his Amendment differs from the Amendment of the hon. Member for Bristol (Mr. S. Morley), which was negatived?

MR. HINDE PALMER, said, he did not understand that his Amendment at all affected the Amendment of the hon. Member for Bristol. It was a question of procedure in the County Court under the 2nd sub-section. He would explain, in a moment, how it did not affect the Amendment of the hon. Member for Bristol. That Amendment was equivalent to getting rid of common employment altogether. His (Mr. Hinde Palmer's) Amendment was that the question of common employment should be left to a jury to decide, and it struck him that that was an entirely different proposition. It might involve, to some extent, the Amendment of the hon. Gentleman; but in itself it was a distinct proposition, entirely independent of the proposition formerly submitted to the Committee. He agreed that, under the doctrine of common employment, there was a difficulty involved which was met both in the Amendment of the hon. Member for Bristol and in that which he was about to submit. If they said that two workmen, although employed in two totally different branches of the same work, were, therefore, to be treated as if they were engaged in a common employment; if they adopted that view, they were likely to do much injustice, as had been suggested by the hon. Member for South Durham (Mr. Pease). In the case of miners there might be men working in separate localities, but still under physical circumstances and risks, which would render them engaged substantially in a common employment. The question, therefore, was one of mere fact, which any jury ought to be able to determine; and it was entirely beyond the province of the Judge to construct out of it a mere legal technicality, operating as a plea in bar to nearly every action for compensation. The decision in such a question of fact should be the province of the jury; and it should be prevented

*Mr. Morgan Lloyd*

appointing assessors, with special rules and regulations prescribing the particular duties of such assessors. Perhaps it would be well to limit the appointment of assessors to cases where there was no jury. They could not allow the opinion of any assessors to clash with the finding of fact by the jury. He would, at a subsequent stage, move an Amendment to that effect.

SIR HARDINGE GIFFARD said, he was not aware that the power referred to already existed in the County Court; but he thought the Attorney General had not sufficiently understood the suggestion he had made. The power given to a County Court Judge, by the Act of 1876, was simply to appoint assessors; but the Attorney General had overlooked the point that the assessors were to be confined in their authority to a certain amount of compensation. It was not, therefore, any question that could arise as to the existence of the liability. There was nothing of that sort, and the assessors were not to be called upon to inform the mind of the County Court Judge upon technical matters with which he was not familiar. The power to appoint assessors was confined to the point he had already made. It would appear that when they had ascertained the principle on which the amount of compensation was to be assessed, then it would be competent for the Judge to call in two assessors to his assistance. He regarded that as a cumbrous form of procedure, that they should appoint two assessors.

THE CHAIRMAN: Does the hon. Gentleman the Member for North Warwickshire propose to withdraw his Amendment?

MR. NEWDEGATE said, he did. He had only moved it for a distinct purpose, which had been gained. He wished, however, to be sure that he understood the hon. and learned Gentleman that three years' wages would be the maximum amount of compensation?

THE ATTORNEY GENERAL (SIR HENRY JAMES): Yes, that is so.

MR. NEWDEGATE: And the Court, whether it was the County Court or the Superior Court, could exercise an equitable jurisdiction, according to the circumstances of each case, in reducing the amount of that compensation?

THE ATTORNEY GENERAL (SIR HENRY JAMES) thought there was con-

siderable force in the remarks which had fallen from his hon. and learned Friend opposite (Sir Hardinge Giffard), and he would, therefore, endeavour to make the clause more general in its terms.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL (SIR HENRY JAMES) moved, in page 2, line 38, after the words "county court," to insert the words "before the judge without a jury."

MR. HINDE PALMER would protest against that Amendment, if it was the intention of the hon. and learned Attorney General to make it a compulsory order to a County Court Judge to depart from the ordinary way of trying an action, and positively compel him to try one without a jury.

THE ATTORNEY GENERAL (SIR HENRY JAMES): No, no! That is an entire misapprehension.

MR. HINDE PALMER thought he had gathered from the Attorney General that that was his object.

THE ATTORNEY GENERAL (SIR HENRY JAMES) would explain that the object of the Amendment was to confine the appointment of assessors to cases which a Judge tried himself, without a jury being summoned. When there was a jury, it would be the duty of the jury to find the amount of compensation; and that duty was superseded by the assessors only in cases where a jury was not summoned.

MR. WARTON asked the hon. and learned Gentleman if he would prefix the words "when tried before a Judge?"

MR. MORGAN LLOYD wished to call attention to the wording of the clause. As it now stood, it read—

"Upon the trial of any such action in a county court, one or more assessors may be appointed for the purpose of ascertaining the amount of compensation."

The words "upon the trial" implied that a trial of the action was going on, and the right to appoint assessors could not be exercised before the trial, which would be inconvenient. If that was not the intention, there ought to be some alteration in the wording of the clause. It was certainly his reading of it. "Upon the trial of any such action in a county court, one or more assessors may be appointed." He thought that could only

would consider it before the Report was brought up, when the question of granting to other servants what was granted to railway servants was to be considered.

MR. SERJEANT SIMON thought the right hon. Gentleman in charge of the Bill had not put the right construction on this Amendment. The right hon. Gentleman said that what the Amendment proposed to do was to leave the question of law to the decision of the jury. Now, the Amendment did nothing of the kind. With all submission, he thought that all the Amendment left to a jury was the question of fact as to what was common employment; but it left it subject to the discretion of the Judge. The latter part of the Amendment declared the law, and altered it to one of fact on precisely the same lines as the Amendment moved by the hon. Member for Bristol the other day. He saw no difference between the two. The Amendment of the hon. Member for Bristol met a class of cases which the hon. Member pointed out to the Committee, and which were not governed by any of the other provisions of the Bill. He (Mr. Serjeant Simon) had pointed out the particular case of a platelayer who happened to be run over by a train while engaged in laying down rails; and he thought the doctrine of common employment was carried to an absurd extent when it was said that both the engine-driver and the man who was laying down rails were engaged in a common object. He had pointed out the absurd lengths to which this doctrine was carried; and some of them, no doubt, the provisions of the 1st section did meet. Others they did not meet, and it was to meet these cases that the Amendment of the hon. Member for Bristol was directed. It was also to meet this class of cases that the present Amendment was proposed, and it was also intended to meet another class of cases where men were engaged in different departments under the same employment. He wished to direct the attention of the right hon. Gentleman in charge of the Bill to this—that the Amendment would be of no effect at all if it left the question of fact as to common employment to a jury without some special direction upon the subject, because the Judge would have to tell the jury what the law was now—namely, that persons engaged under the same em-

ployer were persons in common employment. The section proposed to change this state of the law; and, if adopted, the Judge would be bound to tell the jury that the doctrine of common employment no longer applied in cases where the persons employed were engaged in different departments, although under the same employer. That was the object of the Amendment; and if the right hon. Gentleman would turn his attention to it, in conjunction with the hon. and learned Gentleman the Attorney General, he would see that he (Mr. Serjeant Simon) was correct in his construction. And if that was the correct construction, there was no doubt that, as far as the operation of the law would go, it would be in the direction of the Amendment of the hon. Member for Bristol.

MR. BRYCE said, they were in a fair way of having the whole discussion over again which they had already had upon the Amendment of the hon. Member for Bristol. Although he agreed with the hon. Member for Bristol and the hon. and learned Member behind him (Mr. Hinde Palmer), he felt it was perfectly impossible to give a vote until he knew what the clause was which the Government were going to propose, or assent to upon Report. He would, therefore, appeal to his hon. and learned Friend to withdraw the Amendment.

MR. HINDE PALMER quite perceived the force of the remarks of the hon. and learned Member for the Tower Hamlets (Mr. Bryce), and thought it would, perhaps, be the best course to see what the clause was which the Government proposed to bring up, and to see to what class of persons it would be applied. He reserved to himself the right of proposing to amend the Government clause in any way he thought proper. With the permission of the Committee he would, therefore, withdraw the Amendment for the present.

SIR HARDINGE GIFFARD said, that he himself had placed on the Paper a clause to restrain the doctrine of common employment in reference to the case of railway servants. As the matter now stood, the hon. Member for Bristol had withdrawn his proposal, on the Government undertaking, on the Report, to bring up a clause adapting the Amendment to the case of railway servants.

MR. PERCY WYNDHAM thought it would be much more regular to nega-

*Sir George Campbell*

from being used in future as a mere technical bar to proceedings on the part of the injured persons. He admitted that the question was surrounded with difficulty, and he submitted the Amendment in the shape of a sub-section to the clause which was now under the consideration of the Committee.

Amendment moved, in page 2, after line 40, to insert the following sub-section:—

"(3.) In every case in which the employer shall allege in his defence to an action for compensation that the plaintiff was engaged in a common employment with the person by whom the injury was caused, the judge shall submit the question of such common employment as a matter of fact to the jury; and if the action is tried without a jury, the judge shall decide such question as a matter of fact according to the special circumstances of each case, and the defence of 'common employment' shall not hereafter apply to any person engaged in a branch or department of employment separate and distinct from that in which the plaintiff was engaged unless it shall be otherwise specially determined as a matter of fact as aforesaid."—  
(*Mr. Hinde Palmer.*)

Question proposed, "That those words be there added."

MR. DODSON said, the Chairman had asked a question of the hon. and learned Member—namely, how far the Amendment differed from that of the hon. Member for Bristol (Mr. S. Morley), which had already been negatived by the Committee? At first, he (Mr. Dodson) himself was inclined to think that it was the same question; but as the hon. and learned Member proceeded to explain his Motion, he began to see the difference which the hon. and learned Member drew between them. It appeared to him that the difference was that the hon. Member for Bristol proposed virtually to abolish common employment. [MR. S. MORLEY: No, no!] The hon. Member, at any rate, proposed to give it to a very limited extent. The Amendment of the hon. and learned Member for Lincoln just went beyond that, and differed from it in a very curious particular, for it left the doctrine of common employment in this position—that it was to rest with the will and pleasure of the particular jury in each particular case whether the doctrine of common employment should or should not be pleaded. He did not think that he need occupy the time of the Committee in discussing that

point, and he would say at once, on behalf of the Government, that he was not prepared to accept the Amendment.

SIR GEORGE CAMPBELL thought it must be admitted that if it was not the same Amendment as that of the hon. Member for Bristol, at all events, it was first cousin to it. He asked the Committee to consider now, or at some future period, if it would not be practical to adopt something like the principle which was to be adopted with regard to railway servants. Railway servants were an important class, and they were very apt to make themselves powerful in great electoral centres. As the right hon. Gentleman (Mr. Dodson) must himself be aware, there were important constituencies where both sides were very much affected by the representations of railway servants. In several matters of principle adopted in regard to railway servants, he agreed with the hon. and learned Member who moved the Amendment, that if they could not go the length of abolishing common employment altogether, the only thing they could arrive at, as a tolerable resting place, was that which the hon. and learned Member described as reducing common employment to what he called common sense. The hon. and learned Member suggested that it should be a matter of fact, and not a question of law, what was common employment; and that if certain men were working together, as a matter of fact, the doctrine of common employment should be applied to them; but if, as a matter of fact, they were not working together, then the doctrine of common employment should not be held. It seemed to him that that would determine the matter fairly. The original basis upon which the doctrine of common employment was founded he understood to be, that if half-a-dozen men were working together, and one of them opened his safety-lamp, it should be considered that the others, who permitted him to conduct himself in so reckless and careless a manner, were themselves contributory to the negligence. Now, it seemed to him that to confine the common employment doctrine to such cases was according to common sense; and as the Government had, to a certain extent, admitted the principle, it might be advisable to introduce it into the present Bill. If the Government did not consent to it now, he earnestly hoped that they

tion, stated that the wording of the clause was defective, and that the reference to the 74th section of the Act of 1868—the Act relating to the Court of Session—was inappropriate, because Clause 74 of that Act applied solely to the removal of one very special action—namely, one from the Sheriff's Court to the Court of Session in consequence of its affinity to, or, technically, its contingency with, another action already pending there. Therefore, they were of opinion that the reference was inappropriately introduced into the present clause. He confessed that no one reading the 74th section of the 1868 Act could see any application it had to the provisions of the present Bill. On the whole, he saw no reason why the cases which would arise under the Bill should be exceptionally dealt with, and unfavourably to working men; and he, therefore, hoped that the Committee would accept his Amendment and omit the sub-section. He thought that, if only for the sake of avoiding the risk of unnecessary litigation, it would be well to adopt his Amendment.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he could not help thinking that his hon. and learned Friend's observations had a good deal proceeded upon a misapprehension of what the clause was intended to do. If they were to leave this out, so far from assisting the workmen, they would really be doing them an injustice. They would be telling them to go to the Sheriff's Court, and forbidding them to go into a Superior Court, however much the workmen desired to do so. He thought that his hon. and learned Friend had confounded two things—the power of appeal, and the power to remove the cause for trial from one Court to another. He constantly talked about the power of appeal not being limited by the necessity of giving security. That might be so, when this provision of the Bill left the power of appeal intact. It left a man power to go to the Court of Session by way of appeal, and from there to the House of Lords. The Bill did not, in any way, touch the power of appeal. It gave power in any action brought in the Sheriff's Court to remove it, if the Superior Court should think fit, into the Court of Session. That was the object of the clause, and he believed it had been properly carried out. At

all events, it had been drawn upon the advice of the learned Lord Advocate. The intention of the clause was to do to Scotland what they had done to England. The Government had applied to the Lord Advocate to give them the proper words to carry out that intention, and the clause was proposed with his sanction. He did not think that the slightest injustice was perpetrated by the clause, or that it required any alteration. At the same time, he would confer with the Lord Advocate on the subject before the Report.

MR. HOPWOOD said, that he would suggest to his hon. and learned Friend the Solicitor General that there was a distinction between the County Court in England and the Sheriff's Court in Scotland, inasmuch as there was no option of trial by jury in the Sheriff's Court. If a man were deprived in England of the option of trial by jury, it was really a matter of serious importance.

DR. WEBSTER said, that in withdrawing his Amendment, in deference to the opinion of the hon. and learned Gentleman the Solicitor General, he might state that he had proposed it on the distinct authority of the Faculty of Advocates that it was absolutely necessary to carry out the view he had mentioned. Notwithstanding what had been said by his hon. and learned Friend, he still entertained the view which he had expressed.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 6 (Definitions).

MR. LAMBTON said, that the Amendment he had upon the Paper dealt with the question of the application of this Bill to coal mines. The Government had announced that they would allow the hon. Member for Bristol to bring in a clause dealing with railways, and he thought it would be only fair to deal with mines in the same way. The hon. and learned Member for Chatham (Mr. Gorst) had stated that he could not see why some hon. Members wished to draw a distinction between the cases of mines and railways. He would, however, endeavour to show that there was a considerable distinction between them. What he wished to provide was, that a person having superintendence intrusted to him under the terms of the Bill should be

*Dr. Webster*

one of the persons for whom the employer was responsible under the Coal Mines Regulation Act, 1872, and he thought that would be as much to the advantage of the workmen as to the employers. He apprehended that in the case of well-conducted coal mines there would be 8 per cent of the persons who would come under the definition of the persons having superintendence intrusted to them. That state of things had caused great alarm among coalowners in the North of England. The alarm of the coalowners was extended also to the workers in the mines, for they feared that the contribution of the employers to the Miners' Permanent Relief Fund—namely, about 20 per cent—would be withdrawn if the Bill were passed in its present form. Some hon. Members seemed to think that the coal trade was always a paying concern. He might say that for the last three years many coal-owners had made no profit at all; and if they had this unlimited liability thrown upon them, how could they hope for improvement? The only way left to them would be by reducing the wages of the workmen. He knew a case of two young men who had a capital of £9,000 or £10,000, and who were enabled to borrow as much money as they wished at the present time. But he apprehended that if this liability were thrown upon them there would not be the same facility for borrowing. He did not think, moreover, that with such liability they would be able to repay the money borrowed. If this Bill passed, many persons who owned land, and now worked the mines beneath it, would cease to retain the workings in their own hands. They would, in many cases, hand over the businesses to Coal Companies, and the coal trade would go into other hands. It seemed to him rather strange that a Government, in 1880, seemed disposed to take money from the pockets of the employers, and that a Government, in 1872, should pass a measure to protect the lives of workmen. In 1872 the Coal Mines Regulation Act was passed, and the Government threw the entire responsibility upon the coalowner, his agent, or manager. The Act provided that the owner, agent, or manager should not employ any person in such mines who had been guilty of an offence against the Act. That measure was

passed to protect the lives of the workmen, and it treated the owner, or agent, or manager, as responsible; and the Secretary of State had also the appointment of the person in the coal-mining districts to have superintendence and to enforce certain regulations. But the Inspector was bound to point out any infraction of the rules to the owner, agent, or manager, and he was to make a Report to the Secretary of State. The manager appointed under the Act was to have the superintendence over the mine. A man was not to be qualified to be manager of a mine unless he had received a certificate under the Act. They had thus a man appointed by the Secretary of State to look after the mine, and they had managers examined in order to see that they understood their businesses. That precaution was taken to see that the mines were conducted in the best possible way, and with the greatest safety to the men engaged. If the present Bill was passed, he did not see how the Coal Mines Regulation Act would stand. A mine would be under two different sets of rules. The owner, agent, or manager, would be responsible, and the Secretary of State would have the duty of appointing the Inspector of the mine; and those persons would be responsible for carrying out the regulations under the Act. But, under this Bill, there would be an entirely fresh responsibility thrown upon those persons who were not clothed with responsibility under the Mines Regulation Act. If the Government could make some limit as to the responsibility in the case of coal mines, it would do a great deal of good. He most earnestly appealed to the Government to make some Amendment to the Bill with regard to coal mines. They had consented to do so with regard to railways, and he thought the case was even stronger for making special regulations with regard to mines. In his opinion, the workman in the mine was much more of a co-operative of the employer than a servant. If the present Bill were passed, he believed that many of the smaller mines, and perhaps some of the larger ones, would be closed, for he did not see how owners could stand up against, or could bear, the responsibilities thrown upon them by the Bill. He would, therefore, appeal to the right hon. Gentleman the President of the Local Government Board to limit the



responsibility of the employer in mining operations to the persons for whose acts he was made responsible by the Coal Mines Regulation Act of 1872. He begged to move, in page 3, line 25, after "means," to leave out to end of subsection, and insert—

"In reference to a mine, the agent or certificated manager intrusted with the principal management of the mine."

Mr. DODSON said, that the hon. Member who had proposed this Amendment had made a very clear and interesting statement of his views as to what ought to be done. But he thought he must have been of a very sanguine nature when he called upon the Government to limit the responsibility of mine-owners to one or two persons nominated in the Coal Mines Regulation Act. He did not interrupt the hon. Member in his speech, although he was not clear that he might not have done so; for his Amendment, proposing to put liability upon one or two particular persons, was one which, in various forms, was discussed previously in the course of the Bill. It was really the same proposition that had been made before, only in different words. The hon. Member had reminded the Committee that the Coal Mines Regulation Act provided for the security of life in mines. The Government were of opinion that there was no difficulty in carrying out this Act in conjunction with a former Act. They had inserted a provision in the Bill that where the rules were laid down by Parliament, subject to the approval of a Government Department, the employer was not to be held responsible for those rules. The hon. Member had said that the Government had agreed to entertain clauses dealing specially with the case of railway servants, and he asked them, for that reason, to accept a clause dealing specially with the case of mines. He would not undertake to say that the Government would accept any clause that was brought up with regard to railway servants. But, in deference to the expression of opinion in Committee, they had consented to consider any clause brought up by the hon. Member for Bristol (Mr. S. Morley) dealing with the case of railway servants, who, he had shown, were placed in a position of considerable hardship. It had been shown, in the case of railway servants, that the technical rule with regard to

employment, which was upheld in cases where men were engaged in totally separate duties, led to considerable hardship. That was a totally different question from the proposition submitted to the Committee. It was proposed to make the employer in mines only liable for the negligence of one or two persons in his employment. On the part of the Government he could not agree to entertain such a proposal.

*Amendment negatived.*

Mr. INDERWICK said, that the Amendment he had to propose was of a somewhat similar character to two or three which had already been submitted to the Committee. Most of the hon. Members had formed some opinion upon this subject; but he wished to point out one or two principles upon which he thought they ought to proceed. He proposed that the clause should run in this way—

"The expression, 'person who has superintendence intrusted to him,' means a person whose duty is that of superintendence."

The Bill, as it stood, defined the person who had superintendence intrusted to him as a person whose sole or principal duty was that of superintendence. He maintained that the proper test of a person who should be liable to charge the employer with his negligence was a person who at that time was intrusted with superintendence by the employer; otherwise, workmen might be placed in this position. They might have a man whose sole or principal duty was superintendence, and it might be necessary to remove him for a limited time, for the purpose of carrying out another duty, and another man perfectly competent, who was usually employed in manual labour, might be substituted for a limited time in his place. If that man were guilty of negligence, then, although he would at the time of the negligence be a person actually exercising superintendence, the employer would not be liable. That was not a result which he thought the Government would desire to bring about. He would give an illustration of this which had come under his own notice. The railway by which he had for some time travelled had a junction from which there was a short line. On arriving at the junction a porter, who was ordinarily engaged in manual labour, was in charge of the train for a short dis-

*Mr. Lambton*

tance. During that short journey the porter became the person who had the superintendence of the train intrusted to him; and if he was guilty of negligence, causing injury or death to workmen, the Company ought to be liable to pay compensation; but, because the duty of that porter was ordinarily that of manual labour, the Company could not be charged with responsibility for his negligence. He begged to move, in page 3, line 25, to leave out the words "sole or principal."

MR. DODSON said, he could not accept the Amendment proposed by his hon. and learned Friend the Member for Rye, inasmuch as it would greatly increase the liability which this Bill imposed upon the employer. His hon. and learned Friend had put the case of a man, sometimes engaged in manual labour, and at other times acting as superintendent. He thought that his hon. and learned Friend, in his observations, had forgotten that such a state of things was met by sub-section 2 of the 1st clause, by which it was proposed that an employer should be liable for injuries sustained by—

"Reason of the negligence of any person in the service of the employer who has superintendence intrusted to him."

In sub-section 3, it was further provided that the employer should be liable—

"By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform."

Thus, he thought, it would be seen that, while sub-section 2, gave a general liability in respect of the person exercising general responsibility, sub-section 3 extended the liability in respect of the acts of persons temporarily having superintendence. The effect of the Amendment of the hon. and learned Member would be to place a man temporarily clothed with authority in the same position as a person in Clause 2, and to make the employer as responsible for the acts of the man invested with temporary authority as for the acts of the person who had general superintendence intrusted to him.

An hon. MEMBER said, that he thought there would be great difficulty in deciding for whose acts the employer was to be responsible if the Amendment of the hon. and learned Gentleman were

adopted. He did not think they would find two Judges who would agree whether an employer was to be liable for the acts of any such porter as the hon. and learned Member had mentioned. He thought the Government ought to let employers of labour know what persons it was for whose acts they would be responsible. If that were done, the matter would be very much simplified; whereas, if the Bill were left in this state, very shortly Judges would make reflections upon the weakness of the House in passing an Act in vague and general terms like those in the present Bill. He appealed to the Government, as well in the interest of the workmen as in that of the employers, to state definitely for whose orders employers were to be made liable.

MR. INDERWICK said, that his opinion was that the sub-section mentioned by the right hon. Gentleman the President of the Local Government Board did not meet the case he had put; but, if the right hon. Gentleman thought it did, he would leave the matter in his hands, and beg leave to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. HUSSEY VIVIAN said, that he would not take up the time of the Committee in discussing his Amendment at any length, because he did not think that there was the slightest chance of the Government consenting to his proposition. He wished, however, to express his opinion that it was desirable that a person who had superintendence should be a man who was not at any time engaged in manual labour. If the Government, however, took upon themselves the responsibility of insisting upon the retention of the words "or principal" in the Bill—if the Government chose to take upon themselves that responsibility—the result would rest with them. He begged to move, in page 3, line 25, to leave out "or principal."

MR. DODSON said, he supposed this Amendment of the hon. Member for Glamorganshire must be read in conjunction with his other Amendment—namely, the insertion of the words "not ordinarily engaged in manual labour." He must oppose this alteration, on the ground that it would greatly restrict the liability, of the employer, and would,

practically reduce it to a responsibility for persons whose sole duty was that of superintendence.

MR. J. W. PEASE said, he should like to say a few words upon this Amendment. It was well known that in the case of railway servants a man could be a porter at one time and a station-master at another, and something else shortly afterwards. It seemed to him that the Bill carried the responsibility of the master very much further than it ought to do; for, in the case of a mine, it would make the mineowner responsible for a man who might be engaged for a few moments in settling the position of a piece of timber. As the Bill stood, he certainly concurred in the objection of the hon. Member who had moved the Amendment, that the words in this clause went a great deal too far.

*Amendment negatived.*

MR. COHEN said, that the Amendment which he proposed to move was in reference to defective superintendence. The Committee would see, on looking at the Bill, that, in the first place, a superintendent was described as a person whose sole or principal duty was that of superintendence, and who was not ordinarily engaged in manual labour. It would be extremely difficult to know whether a man was, or was not, engaged in manual labour. Was it to be said that a pointman, or a signaller, was not engaged in manual labour? His hon. and learned Friend the Attorney General would agree with him that if a clause could be framed which would include in the Bill such a definition of a person engaged in manual labour as would prevent litigation, it would be a good thing. He did not wish to unnecessarily retard the progress of the Bill, and he would, therefore, occupy as short time as possible in moving this Amendment. He wished to say a few words with regard to the principle upon which the Amendment was founded. The doctrine of common employment was stated in the Report of the Committee on *Employers' Liability*, to have been founded on the consideration that where several persons were employed in doing one common enterprise, one servant could give notice to the other of any defect whereby an accident might arise. That was stated in the Report as being the foundation of the doctrine of common employment. And, so far as it went, it

was reason; but what had been complained of was that, by successive decisions, that doctrine had been carried to an extraordinary extent. The question was, whether they were to limit the extent to which the doctrine had been carried, or to preserve it at all? In his opinion, the whole doctrine of common employment was one that ought to be swept away. But if it were preserved, it ought to be reduced to its proper dimensions by the consideration of the principle upon which it was founded. That was what he attempted to do in his Amendment. He had attempted to leave the doctrine in this way. If an injury had been occasioned by the negligence of an individual who had the sole charge of one of the principal machines, like an engine, then inasmuch as the proper working of the engine depended upon the person engaged in working it, and he was subject to no interference by any of his fellow-servants, he was exactly in the same position as an ordinary superintendent. A superintendent was a person who had control over the work that was being done; and, therefore, he submitted to the Committee that, by analogy, they should place every person in the position of superintendent, whose acts were entirely without control of the person injured. If that were not done, the Act would be so defective as to work in an extremely harsh and unjust manner. In the Amendment which he had drawn up he had endeavoured to follow the principle of the Bill, which was that of superintendence, and endeavoured, by analogy, to cover those which he thought would not now be met by the Bill, but which certainly ought to come within it upon principle. If the Bill were not extended to meet extremely harsh cases, which would, undoubtedly, arise, it could not, he had pointed out, be a satisfactory settlement of the law. He thought they ought to reduce the doctrine of common employment, at least to the dimensions of the principle upon which it was founded, and from which it ought never to have been extended. He thought that, in applying it by analogy to altering the superintendence so as to include those over whom the workman had no control, but who had the management of the machines through which the negligence took place, he was proceeding in accordance with the principles he had stated.

*Mr. Dodson*

## Amendment proposed,

In page 3, line 25, after the word "duty," to insert the words "superintendence or control in relation to the particular work or matter with respect to which he is alleged to have been negligent."—(*Mr. Cohen.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that that was an Amendment which he could not accept. The Committee would see that this would extend the liability of the employers very much more than was proposed by the Government in the Bill. In the Bill as it stood the Government proposed two liabilities. The first one was with regard to general superintendence, upon which, if any injury resulted, there would be general liability with respect to the whole work; and the second liability was that the employer was liable for the negligence of persons having particular authority over others in respect to injury sustained under that particular authority. If the Committee would look at the words proposed by the hon. and learned Member for Southwark, they would see that the proposal was to make the employer liable for injury resulting through the negligence of any person who should have superintendence or control in relation to the particular work or matter with respect to which he was alleged to have been negligent. The result was that the general superintendence in the Bill was converted into a particular superintendence under this Amendment. This particular superintendence was to be given to persons although engaged in manual labour. They would then make the employer liable for persons not under his control. That was not the scheme of the Government. In the Bill they endeavoured to limit the liability, first, to general superintendence; and, secondly, to particular superintendence. It might be that on the clause of the hon. Member for Bristol (Mr. S. Morley) being brought up, the Government would be able to make a separate provision for costs where there were distinct works being carried on by persons in the same employ, and if they adopted any Amendment in that direction it was as far as they could go.

MR. HOPWOOD said, that the question raised by this Amendment was one in which workmen were vitally in-

terested, and upon which they had taken consultation. Several Amendments had been proposed, all directed to meet the particular defect of the Bill aimed at by this Amendment. It seemed to him that the reply of his hon. and learned Friend the Attorney General did not meet the case which had been raised. It appeared to him that the clause defining the person who had superintendence intrusted to him, as a person whose sole or principal duty was that of superintendence, was incomplete, unless it was further stated that the superintendence was in relation to a particular work or matter with respect to which he was alleged to have been negligent. It might be that the Amendment of which he had given Notice to insert a little later in the Bill would meet the case. The question raised was of very great importance to the class interested, and he thought that they ought to go to a division upon the matter.

## Question put.

The Committee *divided*:—Ayes 49; Noes 185: Majority 136.—(*Div. List, No. 95.*)

MR. INDERWICK said, that the Amendment of the hon. Member for East Sussex (Mr. Gregory), which stood next upon the Paper, was not an Amendment in the sense of being an alteration of the Bill, inasmuch as it merely provided that the words of the clause in the Act of 1875 should be substituted for the proposed reference to the Act. He desired to ask whether, assuming that the hon. Gentleman's Amendment were not carried, and the words of the clause were ordered to stand part of the Bill, he (Mr. Inderwick) would be precluded from proposing his Amendment, which had reference to the same subject, and which, if carried, would substantially alter the Bill.

THE CHAIRMAN: The hon. and learned Member, under certain circumstances, would be precluded from putting his Amendment; but I will put it in such a form that he will not be debarred.

SIR HENRY JACKSON said, that he had an Amendment upon the Paper which came before even that of the hon. Member for East Sussex (Mr. Gregory).

THE CHAIRMAN: I called upon the hon. and learned Gentleman, but he did not respond.

SIR HENRY JACKSON remarked, that unless a subsequent Amendment

had been proposed he apprehended he was still in Order. He desired to move, in page 3, line 26, to leave out "ordinarily," and his reason for doing so was that he did not know what the word meant; he did not know what it meant as a legal phrase. It seemed that the retention of the word in the clause would only add another difficulty in construing the Act. "Ordinarily" might mean once a week, twice a week, or every day. They knew what was meant by "engaged in manual labour;" but he submitted that "ordinarily" would assist no one in understanding the Bill, but would, in fact, only make a complication. The clause would be better without the word, for it would then run "engaged in manual labour, &c."

MR. DODSON observed, that his hon. and learned Friend had stated that he did not see the force of the word "ordinarily." He would endeavour to point out what would be the effect if the word were omitted. The section would then read—

"A person who superintended, meaning a person whose sole or principal duty is to superintend, and who is not engaged in manual labour."

It would be limited entirely to a gentleman who simply walked up and down an establishment, and never did a stroke of work.

Amendment, by leave, *withdrawn*.

MR. GREGORY moved, in page 3, line 30, to leave out from "The" to "applies," inclusive, and insert—

"The expression 'workman' does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, quarryman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or worked under a contract with an employer, whether the contract be made before or after the passing of this Act, by express or implied oral, or in writing, and be a contract of service or a contract personally to execute any work or labour."

The hon. Gentleman said, that the words he proposed to insert were those contained in the Act of 1875. No one knew better than the Attorney General the inconvenience of having to construe one statute by reference to another.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, it was thought

*Sir Henry Jackson*

more convenient to give the definition now in the Bill rather by way of reference, for a simple reason which he did not think had occurred to the hon. Member (Mr. Gregory). The Act of 1875 referred to certain classes of persons, and there were two exceptions contained in that Act. The first one was with reference to domestic and menial servants; and the second, and more important exception, was that in reference to seamen. This Bill did not refer to seamen. There were so many Acts having special reference to seafaring men that the Government did not think it necessary to bring seamen within the scope of this Bill. They had, therefore, excepted domestic and menial servants and seamen, as was done in the Act of 1875, by a reference in a general way, instead of by a separate and distinct definition. If the Amendment were adopted, seamen would come under the Bill, and that had not hitherto been the intention of the Committee.

SIR HENRY JACKSON did not see why domestic servants, to whom they all owed so much of their comfort, should be exempted from the operation of the Bill. They provided for a person who superintended, and that would include their housekeeper or their butler. If the butler gave the footman an order, and in carrying it out he broke his shin, or if the kitchenmaid were scalded in carrying out the order of the cook, were they not to be compensated? He really would like to know why such a valuable part of the community as domestic servants was to be excluded from the operation of the Bill.

MR. GREGORY did not quite see how seamen would be included if his Amendment were adopted.

MR. DODSON said, there was a clause in the Bill which expressly excluded seamen; and the present clause, as they had framed it, was limited to workmen in mines, on railways, in factories, and so forth.

MR. A. J. BALFOUR did not catch from the Attorney General the reason why domestic servants were to be excluded. The question of the hon. and learned Gentleman (Sir Henry Jackson) was most legitimate, and the Government might, at all events, answer it.

MR. BRYCE thought it ought to be made clear to what persons the Bill was to apply; and, in his opinion, the Amend-

ment of the hon. Member for East Sussex (Mr. Gregory) would be a most valuable one in that direction.

LORD RANDOLPH CHURCHILL repeated the question, why domestic servants should be excluded? why was a stigma of this kind to be placed upon thousands of the community? for it certainly was a stigma to say they were people who were not worthy of receiving compensation in case they received injury through the negligence of their employer. What was the special characteristic of the footman or chambermaid which disentitled them to compensation? He asked the Attorney General to inform them what logical reason there was for excluding any particular class from the operation of the Bill. The Government had always said that they would not be a party to exceptional legislation; but they had been so already in the concession they had made to the hon. Member for Bristol (Mr. S. Morley) in respect to railway servants, and now they were going to exclude from the benefits of the Bill thousands of people who were as much entitled to compensation for injury as any others.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he had been asked why chambermaids should not receive compensation. That was a question which he had some difficulty in answering in the abstract. No Amendment had been moved, and no suggestion had heretofore been made, that domestic servants should come within the scope of the Bill. They had only up to this been dealing with the industrial classes, and they never had included domestic servants in legislation affecting workpeople. The risks they were seeking to protect the working classes against were great and dangerous risks, such as explosions in mines, in which men received lasting injury. They had not yet dealt with domestic life downstairs; that was not brought within the scope of the Bill. ["Why not?"] Why? because domestic servants were working under conditions where the risks they ran were not great, and because they were treated as members of the family they served. Persons who were a great deal engaged in a house were not placed in the danger in which a railway servant was placed; and, therefore, they had not been thought in a position to require the protection of this legislation. If, how-

ever, it had been the wish of the Committee that the question should be considered, it should have been mentioned on the second reading, or Notice should have been given of it.

Mr. A. J. BALFOUR observed, that whenever any hon. Member of the Committee desired to pass legislation which had reference to mines or railways, or any one object in particular, the Government said—"Oh, no! we deal with all industries; our Bill includes farm servants and all workmen; it is not confined to railways and mines." And when they suggested that domestic servants should be included, the Government suddenly discovered that the object of the Bill was to relieve the working classes in what were commonly called dangerous employments. It was partly owing to the fact that domestic servants had no votes that their claims did not get that consideration which was given to the claims of workmen engaged in other pursuits. The Attorney General wondered why they had not discovered sooner that domestic servants were exempted from the Bill. He admitted that it displayed great ignorance on his part, and he was subject to blame. He assured the hon. and learned Gentleman and the Government, however, that had he known of the exclusion before he would have given due Notice of the fact.

SIR HENRY JACKSON said, that in order to bring the matter to a point, he would take the liberty to move to leave out the word "means," in order to insert "includes domestic servants," &c.

THE CHAIRMAN: The Question before the Committee is whether the Amendment of the hon. Member for East Sussex (Mr. Gregory) shall be withdrawn.

SIR HENRY JACKSON said, he would move his Amendment as soon as that of his hon. Friend was disposed of.

LORD RANDOLPH CHURCHILL said, that it was very proper that this question should be urged upon the Government. There were particular classes of servants in the country who, he supposed, would be excluded from the Bill. For instance, there was the case of a man who helped in the house, and garden, and stable. If he received injury while at work in the house he would not receive compensation; but what would be the effect if he received injury while at work in the garden or

stable? The Attorney General seemed to think that the domestic servant ran no risk. He (Lord Randolph Churchill) thought the domestic servant ran very serious risks. Let them take, for instance, the case of an explosion of gas. An employer came home late at night, and when he did not, perhaps, altogether know what he was doing, he blew out the gas. An explosion might result, and the servant receive serious injury. Was he not to receive compensation in a case of that kind? Fires, too, constantly occurred from preventable causes, within the knowledge of the master, in which domestic servants were injured. Many domestic servants had families dependent upon them; and there was no rhyme or reason why, in case of injury through their employers' negligence, they should not receive compensation. ["Divide, divide!"]

Mr. GORST said, that the Committee appeared to be extremely impatient; but he wished to point out to them that the welfare of domestic servants was an important matter. The Government evidently considered the subject beneath their notice. That was simply because domestic servants, generally speaking, had no votes. He had often observed that those classes of the community who were not electorally powerful had great difficulty in getting their wants listened to in the House of Commons. He could not see any reason for excluding domestic servants from the operation of the Bill. If the hon. and learned Gentleman (Sir Henry Jackson) decided to go to a division he would certainly vote with him. There were many establishments, in which domestic servants were engaged, quite as large as manufactories. Take, for instance, the Charing Cross Hotel. Suppose a servant there was injured by a defect in the lift, caused by the negligence of the manager, it would be very hard that he could not obtain redress; while a man engaged in a factory or a mine could get compensation under similar circumstances. He was quite sure that if domestic servants possessed the same political power as other classes they would have their claims attended to. In this Liberal House of Commons they ought to consider the interests of the people, irrespective of such considerations.

THE CHAIRMAN: It would be more in Order if the hon. Gentleman would

*Lord Randolph Churchill*

move that the expression "workman" should include domestic or menial servants, because the object of the Amendment is to exclude such persons.

Mr. A. J. BALFOUR said, he was quite willing to move that Amendment.

Amendment proposed, to amend the proposed Amendment, by leaving out the word "not," in the first line of the proposed Amendment.—(Mr. A. J. Balfour.)

Mr. BRADLAUGH said, that that would make the wording of the Amendment simply ridiculous; though he did not object that it was on that account inappropriate to the Bench where it had originated.

Amendment, and Amendment to proposed Amendment, by leave, *withdrawn*.

Mr. INDERWICK moved, in page 3, lines 30 and 31, to leave out all after "means," and insert—

"Any person other than a domestic or menial servant with regard to whom it would be competent for the employer, but for the provisions of this Act, to allege in his defence to any action for compensation that such person was engaged in a common employment with the person actually causing the injury in respect of which the action is brought."

The hon. and learned Gentleman said, one object of the clause was to exclude domestic and menial servants. He had not been able to satisfy himself that there was any reason why they should be excluded; but he believed it was the general feeling of the Committee that they should be excluded, and he did not wish to put the Committee to the trouble of discussing a foregone conclusion. At the same time, he had never seen any reason for excluding domestic and menial servants, and he believed that there was no such exclusion in the case of Scotland. With regard to this Amendment, he was in this difficulty. He thought that after what had taken place the right hon. Gentleman who had charge of the Bill would find it necessary to make some modification of the clause which defined the term "workman," and point out the persons who were entitled to the benefit of the Act. The Government had already admitted their willingness to make some modification in the case of railway servants; but to what extent the modification would be carried out he did not know. In all probability a new clause

would be brought up on the Report, and upon that clause the matter might be fully discussed. The Amendment which he proposed, together with the Amendment of the noble Lord opposite (Lord Randolph Churchill), would probably be more conveniently discussed at that time, when the Government had had an opportunity of considering the whole matter. Therefore, with the consent of the Committee, he would not press the Amendment which stood in his name at the present moment. But, before withdrawing the Amendment, he would point out to the Committee the reason why he wished this clause added to the Bill. It was now confined to persons engaged in manual labour, and he wished to have it extended to all persons in the service of an employer. It would not extend the principle upon which the liability of the employer would rest; but it would enable other classes of persons to have the benefit of this legislation. He was quite ready, as he had stated, to postpone the Amendment until the Government brought up their clause.

*Amendment negatived.*

MR. A. J. BALFOUR moved, in page 3, line 31, after the word "applies," to insert "and domestic or menial servants," in order to give domestic servants the benefits of the Bill.

Amendment proposed, at the end of the Clause, to add the words "and domestic or menial servants."—(*Mr. Arthur Balfour.*)

Question put, "That those words be there added."

The Committee *divided*:—Ayes 32; Noes 158: Majority 126.—(Div. List, No. 96.)

Clause, as amended, *agreed to.*

It being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day.*

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

LORD FREDERICK CAVENDISH stated, for the convenience of the House, that it was proposed to place the Civil Service Estimates on the Paper for Monday. For the convenience of the right hon. Gentleman the Member for the University of Cambridge (Mr.

Walpole), who had charge of the Vote for the British Museum, that Vote would be taken first. Then they would begin with Class I. of the Estimates and take them in order; but they would not take any of the Votes relating to Ireland.

SIR HENRY JACKSON asked whether the Government proposed to go on with what might remain unfinished of the Committee on the Employers' Liability Bill to-morrow?

THE MARQUESS OF HARTINGTON understood that it would meet with the concurrence of the great majority of hon. Members that that course should be pursued; but that point could hardly be decided until the Order for the Bill was called on again to-night.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### ORDERS OF THE DAY.

##### SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### SLAUGHTER OF IMPORTED CATTLE.

##### RESOLUTION.

MR. ARTHUR ARNOLD, in rising to call attention to the restrictions upon the import of Foreign Animals, and to the proceedings of the Privy Council under the provisions of "The Contagious Diseases (Animals) Act, 1878," as well as to the Orders in Council made by authority of that statute; and to move—

"That, in the opinion of this House, the compulsory slaughter, at the ports of landing, of fat stock from the United States of America, restricts the supply and increases the cost of food, and, having regard to the freedom from disease of the stock-producing States of America, this House deems it desirable that Her Majesty's Government should consider these restrictions with a view to their modification or removal,"

said, he hoped the House would acquit him of any charge of presumption in bringing forward this question. He was well aware that his only title to deal with



a matter of such importance lay in the fact that he represented a large population—that of Salford—which had been disastrously affected by the legislation of the late Government in reference to this subject. But the question was also a very weighty one for the people of this country. On a recent occasion he had accompanied a deputation representing 30 towns, in different parts of England, to the President of the Council on the subject of the restrictive legislation which had arisen on the demand of those engaged in the production of meat in this country. The demand was that all foreign animals should be slaughtered at the port of debarkation; but that was regarded as too intolerable, and was opposed by the Treasury Bench, especially by the right hon. Gentlemen the Members for Sheffield, Bradford, and Derby. He (Mr. Arnold) had some doubts whether they succeeded in their endeavours, and whether the substantial victory did not remain with their opponents. It became law that the import of foreign animals to this country was prohibited from all that part of Europe represented by a line drawn from the port of Genoa to Riga. These were not very important sources of supply; but perhaps it was rather strange to class them in a prohibition of that sort, because portions of the countries they bounded exhibited symptoms of the cattle plague. He admitted that we ought to be extremely careful with regard to any outbreak of cattle plague, and he was far from thinking the legislation of the late Government had been without avail. It certainly gave form to the method of controlling the movement of diseased cattle. Still, at the present time, that legislation had reduced the whole world, as far as the importation of cattle was concerned, to Denmark, Sweden, Norway, Spain, and Portugal. The Duke of Richmond and Gordon was especially responsible for this legislation; and one of the reasons why that legislation was specially advocated was because, as Lord Salisbury, in his own pleasant way, had remarked, the farmers of England could not be certain that they would have the Duke at the Privy Council Office. Throughout this country an opinion prevailed that the Duke of Richmond and Gordon was not thoroughly impartial in this matter; and he could not feel surprised at this when he remembered that

*Mr. Arthur Arnold*

his Grace, speaking in December last, said, "I am interested in agriculture and in nothing else." Consequently, his Grace was not a fit person to control the importation of foreign cattle, and it was with a feeling of profound dissatisfaction that the deputation to which he had referred learnt from the present Lord President of the Council that it was his intention to follow the policy laid down by his Predecessor. [Mr. MUNDELLA: No, no!] He was glad to hear the right hon. Gentleman say "No, no!" and he hoped he would take the opportunity of explaining his views later on. The Privy Council, in its official character, was one of the most curious and non-descript bodies in the Kingdom. Not long ago, a man who looked like a ship's captain accosted him in Downing Street, and said—"Can you tell me the way to the Education Office?" He pointed to the door of his right hon. Friend's Department, when he noticed a puzzled look on the countenance of the man, who observed—"I am hung up with a cargo of beasts, and they recommend me to go to the Education Office. Is that right?" He replied—"Oh, yes; they deal there with education, cattle, and Indian appeals." This episode illustrated the position in which he stood, for he was referred by the President of the Council to the right hon. Gentleman the Vice President of the Committee of Council on Education, with the assurance that that right hon. Gentleman was entitled to be held free of all responsibility in the matter. In fact, the Lord President was the Council on this subject; and it was not right that this power should be in the hands of a single person, however trustworthy he might be. It ought not to be intrusted to a single country gentleman or to one Member of that august Body which, first of all, and above all, represented the landed interest of this country. He proposed to call attention to the figures of the importation of live animals into this country during the first six months of the present year. It would be seen that these imports were largely increasing. The imports of live animals into this country in the first six months of the last three years had been as follows:—1878, 521,950; 1879, 535,988; and 1880, 648,121. The increase in value was more remarkable than the increase in the numbers, the rise in value being due

to the greater number of large animals. The values for the three periods had been £2,923,378, £2,737,069, and £4,720,582. It might be said that this increase was rather in favour of recent legislation; but, to his mind, it was quite the contrary. You could not impose any restrictions on a trade without lessening that trade and diminishing the supply of the article, and he should have scant respect for any hon. Member who advanced a contrary opinion. As the right hon. Member for Bradford (Mr. W. E. Forster) had said—

“Live animals could wait for the market and could follow it, while dead meat was a perishable article, and a forced sale of it generally resulted in a loss.”

Although the dead meat trade had been carried on of late years with considerable advantage, it did not exhibit the same capacity for increase as the trade in live stock. The increase of the import of dead meat for the first six months of the present, as compared with the same period of last year, was 79,223 cwt., and of live stock about four times as much. The difference was obviously due to the difficulty of the distribution of dead meat. It was, perhaps, well the public did not know how dead meat was treated on its way to the inland markets. The superintendent of the dead meat market of Manchester wrote that large quantities of meat had often to be disposed of at a loss of 1*d.* per lb., or to be seized on account of its unwholesome condition. He had recently visited the dead meat market of the Corporation of London, and had been told that it was not at all an extraordinary circumstance for 30 or 50 tons of meat to be seized and condemned as unfit for food; and these quantities represented but a small proportion of the meat which was sold at a loss because it was approaching a condition which would render it liable to seizure. He had been informed that 150 tons of meat had been sold in one day at a nominal price, in order to prevent its complete confiscation. When the Contagious Diseases (Animals) Act was passed, the hon. and gallant Member for West Gloucestershire (Colonel Kingscote) declared that its effect would be to increase the flocks and herds of England. That was a very Protectionist kind of argument; but what had been the result? He found it stated, two years after the passing of the Act, in the

Report of the Metropolitan Meat Market of Monday last—“We have had to-day the smallest arrival of British cattle on record.” In regard to the meat imported and killed at Deptford, it was always in a flaccid state, unfit for human food. He was informed that it never hardened in this weather, partly in consequence of the bad atmosphere in which it was killed, and partly in consequence of the condition of excitement and worry in which the beasts were caught. Nearly the whole of that least saleable meat went to London and the very large towns, for the reason that all the country markets were supplied with British cattle, dead meat being useless for the country trade. Taking, he might add, the estimate of the hon. Member for Forfarshire (Mr. J. W. Barclay), that £48,000,000 was the value of the meat represented by the home production in this country, he found that the proportion which the foreign importation of live cattle bore to it was more than 20 per cent; or, more accurately speaking, he would say 25 per cent, for he regarded the estimate of the hon. Member for Forfarshire as being too high. He might further observe that a volume which had been presented to the House that day was full of evidence to show that no disease whatsoever of a contagious character existed among the flocks and herds of the Western States of America. It was indeed stated by Professor Law that he believed the cattle of those States to be as sound as the buffaloes of the plains. There could, in fact, be no doubt as to the excellence of the cattle imported from America, although quite as much could not be said for the sheep. Pleuro-pneumonia was, he was aware, a very serious disease; but he did not know that there was any part of the world more entirely free from it than the Western States of America. He could quote evidence to show that it had made its appearance in only seven States; whereas, if the Reports of the Privy Council were to be relied upon—and he thought they were exaggerated—that disease existed in 63 counties in Great Britain. Out of 76,117 head of cattle, he might add, landed in this country last year from America, it was alleged that only 137 were attacked by pleuro-pneumonia, and from the evidence which showed the suffering to which the cattle were sometimes exposed, it was un-

reasonable to expect that they would not exhibit some signs of disease. He, however, believed that many of the bullocks which arrived in a diseased condition were not suffering from pneumonia at all, but from the manner in which they were brought over on board ship. He had been under the impression that animals slaughtered and condemned at the ports as diseased were destroyed as unfit for human food; but, to his profound astonishment, he had discovered that the carcasses were sent to the market as food for the people. One of the Inspectors at one of the ports, in answer to an inquiry, had informed him that it was a moot point as to whether diseased animals were unfit for human food, and the doubt was given against the public, the officers of the Privy Council thus actually becoming purveyors of diseased meat. The official Reports showed that such occasional cases of pleuro-pneumonia as did occur in America were strictly limited to the cowsheds of the Eastern States. In regard to any danger from foot-and-mouth disease, no one would contend that it could not be fully resisted by means of quarantine regulations. Could there, he asked, be a grosser wrong to the consumer of meat than that caused by the restrictions that existed upon the importation of sheep from America? The slaughter of sheep at our ports was not necessary for the extinction of the disease, and this opinion was shared by the right hon. Member for Bradford. It appeared to him (Mr. Arnold) little short of a wanton use of authority that, because, in 1879, out of 119,000 live sheep imported from the United States only 33 were suffering from foot-and-mouth disease, compulsory slaughter should be imposed. Referring to Section 4 of the 5th Schedule of the Contagious Diseases (Animals) Act, he said, having regard to the general sanitary condition of the animals coming from the Western States of America, he was of opinion that the rule enforced under the section might advantageously be relaxed. The United States authorities had taken the strongest possible steps against the importation of diseased animals for England. At home the Privy Council allowed the circulation of beeves from county to county; and it was only reasonable, therefore, that the importation of cattle should be more freely

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allowed than at present. Having stated his objections to the Amendments to the Resolution, and asked the House to believe that his views were those of a very important body of the public, he concluded by moving the Resolution which he had given Notice.

#### Amendment proposed,

To leave out the word "That" to the end of the Question, in order to add the words "the opinion of this House, the compulsory slaughter, at the ports of landing, of fat stock from the United States of America, restricts the supply and increases the cost of food, and having regard to the freedom from disease of the stock-producing States of America, the House deems it desirable that Her Majesty's Government should consider these restrictions with a view to their modification or removal."  
—(*Mr. Arthur Arnold*,)

—instead thereof.

Question proposed, "That the word 'That' proposed to be left out stand part of the Question."

Mr. JAMES HOWARD, who had moved the Amendment on the Paper to leave out all the words after "That" in order to insert—

"It is inexpedient to alter the existing regulations in respect of the import of live animals from the United States of America, until the Government of that Country has adopted effectual means to prevent the spread of contagious epizootic diseases, and the Privy Council has evidence of the United States being so free from contagious diseases as to warrant the importation of live animals therefrom without the present restrictions,"

said, he had listened with great interest to the address of the hon. Member for Salford (Mr. Arthur Arnold), and could not help wishing that his hon. Friend's practical knowledge had equalled his power of research. The hon. Member had asked the Government to reconsider the existing restrictions placed upon the importation of cattle. Involved in this very modest request were the very gravest interests of the tenant farmer and stock owners of the United Kingdom. He (Mr. James Howard) remembered, when in a former Parliament, another hon. Member asking Government to consider the desirability of adopting a certain course in reference to a very different subject, and he remembered the reply made by the present Prime Minister, who was then at the head of the Government;—he said that he should have to think once, he should have to think twice, he should have

to think thrice before he took any such step as that recommended. On the present occasion, he (Mr. James Howard) thought that unless the hon. Member could show better and stronger reasons than he had advanced that night, the Government would think even more than thrice before they acceded to his proposal. To his mind, the hon. Member had utterly failed to prove his case; his first contention was that the existing regulations had had the effect of restricting the supply of animal food; but he had not shown that a single animal had been diverted from our shores. If animals had been diverted from our ports, they must have gone to other markets, and his hon. Friend was bound to show where they had gone. As he had not made any attempt, he (Mr. James Howard) took it that it was found to be impossible. Fat animals were not like iron or manufactured goods—when ready for market, to market they must go—they could not, like dead stock, be held over for an indefinite period, waiting for better prices. The remarks of his hon. Friend upon the action of the Privy Council only showed the necessity for an Agricultural Department of the Government, of which proposal he (Mr. James Howard) was an advocate. The hon. Member had been very severe on the late Lord President of the Council (the Duke of Richmond). He (Mr. James Howard) was not there to defend the Duke of Richmond—he had before then denounced the Duke's legislation upon that and other subjects; but he did not fail to remember it was the Duke of Richmond who so long resisted the imposition of additional restrictions thought necessary by the English stock owners, and it was not until the late hon. Member for South Norfolk (Mr. Clare Read) retired from the Government, that the Duke of Richmond woke up to the necessity for more effective legislation by carrying out the recommendations of the Select Committee upon Cattle Diseases and Live Stock Importation. To return, however, to the arguments of the hon. Member for Salford, he could not, in support of his Motion, point to a diminishing trade. Indeed, so far as the United States and Canada were concerned, the growth of the trade had been enormous. In support of that assertion, he (Mr. James Howard) would refer to

the official tables of imports. From the United States there were imported—

	Cattle.	Sheep.
1876 .....	392 .....	.....
1877 .....	11,000 .....	13,000
1878 .....	68,000 .....	43,000
1879 .....	76,000 .....	119,000

Those figures did not look like a diminishing trade. From Canada in the same periods the numbers were—

	Cattle.	Sheep.
1876 .....	2,557 .....	1,862
1877 .....	7,649 .....	10,275
1878 .....	17,989 .....	40,182
1879 .....	25,185 .....	73,913

A gentleman largely engaged in the foreign cattle trade wrote to him yesterday as follows:—

“The imports of live oxen from the United States into London in the month of July this year was 11,113, against 5,921 head in July last year. This does not look like a trade suffering from restriction. Again, the import from Canada in July this year was 1,960, against 1,367 last year, showing a large increase in the import from the United States (for slaughter) as compared with the import from Canada, not for slaughter. Last week, the import into London from the United States was 3,098 head; this week, up to this (Thursday) morning, from Monday, over 3,500.”

Further, if the supply, as he had shown, had not been diminished, he failed to understand how it could be contended that the cost of meat had been augmented. Was the House to be guided by well-ascertained facts and principles, or to depend upon the unsupported testimony of butchers, importers, and other interested parties? Economic laws were not to be set aside by the assertions of ignorant or interested parties. Unless the supply of an article were curtailed, how, he would ask, could the price be enhanced? If his hon. Friend could have shown that the removal of the existing restrictions would have the effect of increasing the breeding capabilities of the States, he would have proved his whole case; but he was too wise to attempt anything of the kind. People who knew little or nothing about agricultural affairs talk about the unlimited supply of cattle from America. They forgot that meat was not like coal or iron—it could not be dug out of the bowels of the earth, nor could the supply of cattle be extended at will, like the growth of corn or of cotton. Unless animals could be brought into the world without the agency of fathers and

mothers, it must be obvious that the increased power of any country to supply us with meat would be very gradual, and could only follow a natural course of expansion. He had endeavoured to show that his hon. Friend had not proved either of his contentions, that the existing regulations had diminished the supply of animals, or enhanced the price of meat. He would now go a step farther, and maintain that he had not shown that the restrictions could be relaxed with safety to our own herds and flocks. His hon. Friend had said that a voyage over the Atlantic acted as a sort of quarantine; but he forgot that the germs of pleuro-pneumonia sometimes took two, three, or even four months to develop; and as to the smaller number of diseased animals which reached our shores, it must be remembered that one diseased animal was sufficient to infect the cattle of a whole country, even as one spark might set fire to a whole city. Turning from the subject of importation, he would refer to the state of things which existed in America. The British Consul at Philadelphia, in a letter to the Foreign Office, dated January 20 last, stated that that fatal and contagious malady—pleuro-pneumonia—was daily awakening increased attention among stock-raisers and dairymen throughout the country; that the demand for a national intervention in lieu of State or local regulations for the extirpation of the disease was growing, and that the prompt attention of the Congress of the United States was called for. Again, in the *American Live Stock Journal*—which certainly was not published in the interests of the British farmer—he found the following extract, which appeared in *The Mark Lane Express* last month:—

"Now, what is the situation in the United States? Our veterinary authorities agree in asserting that contagious pleuro-pneumonia exists in several of our States near the Atlantic coast, and we are in no condition to deny this assertion. This being accepted as true, what assurance have we that any of our States, now confessedly free from the contagion, will remain so for another week? What law, rule, or regulation is there in existence to prevent anyone who chooses from buying cattle in these infected districts, and taking them to Ohio, Indiana, Illinois, Missouri, Iowa, Kansas, or Colorado? This has been done repeatedly within the past few years, and that the contagion has not already been scattered broadcast all over the Western States seems little less than a mira-

*Mr. James Howard*

culous interposition of Providence. We have positively no assurance, no protection, and the disease is liable at any day to be transported to each and every one of the States now happily exempt."

Again, it did not appear that Hon. Mr. Stansfeld, in respect of cattle diseases, had proved more successful in America than it had done in Ireland, for according to the Report of the British Consul—

"Three of the States infected with pleuro-pneumonia had shown no disposition whatever to act for the extirpation of this highly contagious disease, and unless the United States passed a general law for its suppression it could not be eradicated from the country."

Probably the United States Government were about to be roused from their apathy on the question, for he learned yesterday that a Commissioner from Washington had arrived in this country during the present week to inquire into our internal regulations on the subject of cattle diseases. He held that it would be quite time enough for the Government to consider the proposal of his hon. Friend when that Commissioner had returned and reported to the United States, and when Congress had taken effective steps in the matter. According to a "Message of the President of the United States," a copy of which he held in his hand, it appeared that there were many other contagious diseases besides pleuro-pneumonia prevailing on that great Continent; for instance, besides various forms of cattle complaint it appeared that 2,500,000 pigs were annually lost by disease, and the message directs attention to—

"A large number of letters from almost every section of the country relating to hog-cholera and the many diseases to which all other classes of domestic animals are subject,"

—for instance, John William Ross, Franklin County, Illinois, reported to the President as follows:—

"The disease most prevalent in cattle is murrain. It is characterized by small vesicles in the mouth, on lips, gums, and tongue, with dribblings of saliva, often causing inability to eat or drink. These symptoms are accompanied by fever, swelling of the udder, and lameness."

Every Member acquainted with epizootic diseases would recognize in these symptoms the disease they knew as the foot-and-mouth complaint. And yet his hon. Friend had contended that there was no proof of the existence of cattle disease in the United States. According to the Message of the President, it appeared

that cattle of the United States suffered from foot-and-mouth disease, pleuropneumonia, and another frightful malady called "Texan fever." The hon. Member had laid great stress on the fact that there were only seven States in which pleuropneumonia existed; but it must be remembered that the cattle of other States would pass through those in which pleuropneumonia was known to prevail to a considerable extent; and what security had we that cattle passing through those diseased districts would not, if sent into the interior of our own country, communicate disease to our own cattle? Having been to the Veterinary Department of the Board of Trade yesterday, he had had the opportunity of referring to a very interesting and instructive Report to Congress upon the diseases of cattle in the United States. From that Report it appeared that a disease known as "Spanish" or "Texan fever" having broken out in 1867, and spread with great rapidity, had caused much alarm to American stock-raisers. The Report stated—

"In consequence of this state of things, Mr. Horace Capron, the U.S. Commissioner at Washington, secured the services of Professor Gamgee, who, in 1871, not only instituted an inquiry into Texan fever, but into 'Lung Plague,' or Pleuro-Pneumonia; a disease Professor Gamgee informs the American public in his Report, is one which may for centuries, if left unheeded now, harass the stock-raisers of the entire Continent, and bring poverty and ruin to many thousands of families. The malady was introduced into America (1843) by a German cow imported direct from Europe—this animal communicated disease to the native cattle of Long Island, and pleuro-pneumonia has prevailed more or less ever since; and so, in 1847, introduced into New Jersey; in Massachusetts from Holland, 1859; in Pennsylvania it raged in Bucks County through cattle bought in the market of Philadelphia. For three years past, the City of Washington, and, indeed, the whole District of Columbia, with adjoining parts of Maryland and Virginia, have been seriously affected with the Lung Plague."

Professor Gamgee pointed out that, as was the case in England, so in America—

"Everyone strives against the disease, but strives in secret, lest the publication of facts should prevent the sale and transfer of unhealthy or infected stock."

To show how dangerous Texan fever was regarded, he would read the following from the same Report:—

"In Missouri, Kansas, Arkansas, Virginia, Kentucky, Carolina, and Georgia, Spanish or Texan fever has been the cause of great losses:

this fact has excited the most virulent opposition among the stock-raisers of those States to the driving of Texan steers across the prairies. The nature of this feeling is indicated by a letter from a Missouri stock owner to *The Prairie Farmer*, in which he says—'Talk to a Missourian about moderation when a drove of Texas cattle is coming, and he will call you a fool, while he coolly loads his gun, and joins his neighbours; and they intend no scare either. They mean to kill, do kill, and will keep killing until the drove takes the back-track, and the drovers must be careful not to get between their cattle and the citizens either, unless they are bullet-proof. No doubt, this looks a good deal like border-ruffianism to you; but it is the way we keep clear of the Texan fever; and my word for it, Illinois will have to do the same thing yet. Congress ought to do something in regard to this stock. Stringent laws were passed in regard to the rinderpest, and yet it is scarcely more fatal than Texan fever.'

Yet it was from a country full of such dangerous diseases that the hon. Member had told them they should import cattle without the restrictions which now existed. He (Mr. James Howard) had seen two eminent veterinary Professors during that week, who assured him that they saw no reason why Texan fever, if once introduced into this country, should not become acclimated and dangerous. Leaving the subject of the diseases which prevailed in foreign countries, he wished to say a few words on another question which had been raised by his hon. Friend—he meant the proportion of the home supply of live animals to the foreign supply—and hon. Members would perhaps be surprised at the small proportion of foreign animals. The home supply of cattle annually slaughtered had been estimated at 1,750,000; the total from all foreign countries was less than 200,000. The home supply of sheep was 11,000,000, and the total foreign supply less than 1,000,000. The domestic supply of pigs was estimated at 5,000,000, and the total foreign supply was less than 50,000. He estimated that altogether the foreign supply of meat imported alive was only about  $7\frac{1}{2}$  per cent of the entire home consumption. In making his calculations, he had taken into consideration the greater weight to which our own animals attained. The estimates of the home supply, he would state, were taken from tables published in a pamphlet, entitled *Our Meat Supply*, written and compiled by himself in 1876, and published by Virtue. Before concluding, he would draw attention to

the fact that the breeding power of this country had been greatly lessened by the ravages of contagious diseases, and the losses we had sustained in our own flocks and herds amounted to as much as the whole foreign supply. During the six years preceding the outbreak of rinderpest, 1,000,000 head of cattle were lost by pleuro-pneumonia alone, whilst our total importations during the same period were only about 500,000. To show further the advantages which had resulted from the existing regulations, he would point to the almost total immunity from disease which most of the counties of England now enjoyed. By the adoption of similar regulations, America would, in a short time, be able to show as clean a bill of health. There were other points he should like to have troubled the House with a few remarks upon, such as the dead meat trade, the preventible waste of animal food, butchers' establishments—which were a disgrace to the 19th century—but he had trespassed upon its attention already too long, and would, therefore, hasten to a conclusion. He had been a Freetrader ever since he had an opportunity of listening to the stirring eloquence of Richard Cobden; no Member of that House revered the memory of Richard Cobden more. He had been for years a member of the Club called after Mr. Cobden's name, and he was also a member of its committee. He was not, therefore, likely to advocate any interference with free importations. No one, he believed, wished to interfere with freedom of importation; all that was demanded was that the Government should use due diligence to prevent the importation of cattle with contagious diseases; he recognized a broad and clear distinction between free imports and sanitary regulations; indeed, they were wide as the poles asunder; and believing that the removal of the present restrictions would be neither wise nor politic, and that their maintenance was in the interests of the great consuming public, he must oppose the Motion of the hon. Member for Salford.

SIR WALTER B. BARTELOT thought that everyone would admit that this was a question which raised very serious considerations. The hon. Gentleman the Member for Salford (Mr. Arnold) had failed completely to show that the proposal he had made would be

*Mr. James Howard*

beneficial to the consumers of this country. What they had to look to was the price of meat, and they would have expected that the arguments of the hon. Member would have shown that the price of meat had been increased by the restriction placed upon the importation of foreign cattle. But the hon. Member had signally failed to prove any such thing. In the first place, the hon. Member has shown that, notwithstanding all the restrictions, cattle had come in far more freely during the last few years than ever they had done before. The hon. Gentleman, as a political economist, ought to have known, if he knew anything at all, that this being a great consuming country, so long as it was willing to take meat or corn, meat or corn would come. But the hon. Member has omitted to state that the first thing every country ought to do was to secure not only that its own cattle, but the cattle imported into it from other countries, were free from disease. Now going back to 1866, when there was the most severe outbreak of cattle plague that ever occurred in this country, what did he find? He found from a Return in the Library to-day that in 1866 the number of farms affected by the disease was 9,954, the number of cattle attacked 76,000, killed 13,906, died 42,812, recovered only 7,854. But there was something more. The expense to one county alone—Cheshire—was upward of £266,000, and up to that moment they had not paid off the rate in aid. That led them to consider more carefully than ever before what ought to be done, and to make certain regulations; but even those regulations were not half sufficient for the purpose. Things went on until three or four years ago, when another outbreak occurred, and the Duke of Richmond and Gordon, as President of the Council, thought it necessary to ask Parliament to pass another Act to deal with the disease. Up to that time the Privy Council had been able, by Order in Council, to stop the importation of cattle from other countries when those countries were said to be diseased. But the new Act stated that all countries were to be considered as diseased countries unless the Privy Council had ascertained that they were free from disease. He ventured to say that that was the wisest course to pursue. He totally disagreed with the hon. Mem-



ber for Salford, who said he had no confidence in the one or two men of the Privy Council. He had every confidence in the Privy Council; it was upon it that the great responsibility was thrown of keeping this country free from disease prevailing in other countries. When the Bill, now an Act, to which he referred was under discussion, it was stated that there was no disease in Denmark, Sweden, Norway, Spain, and Portugal, and it was declared emphatically on both sides that cattle from these countries should be admitted. But when it was suggested that the great Continent of America should be excluded from the operation of the Act they said that it would be most unfair to do so, because there was more pleuro-pneumonia there than in any country of Europe. The Vice President of the Council was perfectly alive to the importance of the matter. The great object was to give the cheapest possible supply of food to the people, and the right hon. Gentleman knew that the worst thing that could be done if they wished to carry that object into effect would be to have diseased cattle imported to infect our flocks and herds. In the case of Ireland they said that nothing should come out of that country without proper inspection at the port of embarkation, and which was not in a satisfactory condition, and here at home nothing could be moved from one county, or even one district, to another if disease existed in the former. The question was not one of Free Trade. Free Trade was an accomplished fact in which they all acquiesced; but they did desire that the farmers, whose recent losses had been so considerable, should not be placed in an unfairly disadvantageous position.

MR. JACOB BRIGHT observed that, though the hon. and gallant Baronet (Sir Walter B. Barttelot) had endeavoured to scare them by his recollections of the great cattle plague, the House would not wish that the present excessive restrictions should be continued. It was impossible to contend that those restrictions did not limit and reduce the supply of foreign, and especially of American, cattle. No doubt, the Vice President of the Council would tell the House that he must enforce the law; but that was no reason why they should not complain of the law, and ask that it should be changed. The present

restrictions raised the price of cattle from America from \$7 to \$10 each, and that must affect the supply and raise the price of meat. They imported cattle from Ireland, and the healthy were allowed to pass freely and the unhealthy were slaughtered, and they wished to be allowed to do the same thing in regard to other countries. In his opinion, that might be done at a practically inappreciable risk. Examination at the ports showed that the proportion of diseased animals was extremely small. For instance, during the year 1879 119,000 American sheep had been brought to this country, and all of them had been slaughtered at the port of entry because 33 of them had the foot and mouth disease. Restrictions that had that effect were unreasonable, and would fail to commend themselves to the bulk of the English consumers.

MR. E. W. HARCOURT: Sir, the import of foreign cattle disease into this country is a matter of such terrible importance, not only to the grower of meat, but also to the consumer, that every good citizen, as well as every good farmer, is bound by his duty to his country, as well as by his personal interests, to resist to the utmost of his power any attempt to reverse that wise law which was recently passed to stop the terrible scourge which we all so much dread. I do not believe that the Government, in its rather new character of the farmers' friend, and in face of the protestations which it made at the commencement of this Session, can for one moment entertain the idea of acceding to the propositions of the hon. Member for Salford (Mr. Arthur Arnold). We have been opportunely furnished this morning with a Blue Book relating to the diseases of animals in America; and as, in my opinion, a few facts are worth a thousand theories, I shall not apologize to the House for making a few quotations from this Blue Book. The hon. Member for Manchester (Mr. Jacob Bright) says that he has not had time to read it; and, therefore, his arguments must lose much of their force. On the 28th of February, 1879, we find the United States Minister writing to Lord Salisbury thus—

"The authorities of the several States most interested in the matter, as well as the Federal Government, have taken such prompt and vigorous measures for the extirpation of disease,



should it be suspected to exist, and have required so rigid an examination by experts before shipment, that the danger of pleuro-pneumonia, or, indeed, any other serious ailment, has been reduced to a minimum. I cannot but hope, therefore, that Her Majesty's Government will see fit not to depart from the policy hitherto pursued, and which has resulted so favourably."

This was answered on the 8th of March, 1879, as follows:—

"Their Lordships regret that it is not possible, in view of the provisions of the Contagious Diseases (Animals) Act, 1878, and of the existence of disease in America, to modify the provisions of the Order in Council of the 10th of February last, relating to cattle brought from the United States."

The wisdom of this caution is exemplified by the following extract from *The New York Herald*, March 6, 1879—

"It has been a mystery to the general public how pleuro-pneumonia, which did not exist in the cattle raising districts, yet appeared to such an extent in shipments of American cattle on their arrival at British ports, as to force the English Government to make a rule against our cattle. The mystery is now cleared up, and the old truth is again illustrated that the ruin of trade is due to dishonest and unscrupulous traders. At Chicago from 8,000 to 13,000 cattle are fed every winter in stalls, to be sent eastward in the spring as fattened stalled cattle. How they are fed and how they are kept is a story the record of which is a vivid repetition of descriptions that have been written of the Blisville stables. The condition and surrounding of the cattle is enough to breed disease even if they were fed on wholesome hay and corn. Long troughs run the full length of the sheds, presenting, like the floors and sides of the walls, a filthy appearance, slimy, steaming, and actually rotting. Although cattle, when they are turned into these stables, may not have been fed for 48 hours, and, from insufficient food whilst in transit, present a half-starved appearance, they merely sniff at the vile mixture that is offered to them, and utterly refuse to touch it. They are penned several days before they will touch the food, but as soon as they do commence to feed it is surprising how rapidly they fatten up, and the healthy appearance they present. They are then re-shipped to East St. Louis, and there sold from the stock yards as fresh and healthy Texan cattle, mixed up with *bona fide* shipments from Texas and Colorado. In this way are daily shown on the Eastern market from 800 to 1,000 head of cattle that are undoubtedly diseased, so intermixed with good condition stock that it is impossible to separate them after they reached the East."

Professor Law, of Brooklyn, says—

"Whatever country has definitely exterminated the plague, such as Norway, Denmark, &c., has solely relied on slaughter. If any State allows temporising measures, that State will only perpetuate the disease in the country, and will entail great losses on its citizens."

*Mr. E. W. Harcourt*

And when I allude to Danian cattle I cannot forget what a prominent part they were made to play recently at an election in the City of Oxford where a certain right hon. Relative of mine, now at the Home Office, was concerned. What they were then intended to indicate I will not stop to inquire; but I am glad to think that Her Majesty's Government now take a very healthy view of this important subject. Well, again in April, 1879, the United States makes application to Lord Salisbury in these terms—

"It is the earnest desire of the President of the United States that Her Majesty's Government may see the importance and propriety of revoking the Order of the 10th of February last subjecting live cattle from the United States to immediate slaughter at the port of arrival; thus removing the present serious interruption to this great element of commerce between the United States and Great Britain, and in which the people of both countries feel so deep an interest."

Again Lord Salisbury answers—

"The existence of contagious pleuro-pneumonia among cattle in the United States is clearly established by documentary evidence, and has been detected by the Inspectors of the Privy Council in cargoes of cattle from the United States landed at the ports of London and Liverpool. Under the above circumstances, and having regard to the fact that no system of inspection, however perfect, affords complete security against the introduction of the disease, their Lordships regret that they are unable to modify the Order of Council, February 10."

Lord Salisbury's wisdom in this matter is again exemplified by the following quotation from the printed proceedings of the American Shorthorn Breeder's Association, October 29, 1879:—

"Amid these indications of prosperity we must not conceal from ourselves the fact that great danger threatens the trade in live stock. It is beyond a doubt a fact that contagious pleuro-pneumonia exists among the cattle of the United States. This is no mere sectional question, but one in which the people of the whole country is interested."

The British Consul at Philadelphia writes to Lord Salisbury, January 2, 1880—

"It has been decided that no State in America has the power to exclude the infected cattle of a neighbouring State. The three States not infected have shown no tendency to act for the extinction of the disease, and unless the United States pass a general law for its suppression cannot be eradicated from the country."

In February, 1880, a letter was written from the Clerk of the Council to the

Under Secretary of State for Foreign Affairs, setting forth the futility of the inspection, upon which the American Government endeavoured to persuade the English Government to rely—

"I am directed to call the attention of Lord Salisbury to my letter, in which it was stated that their Lordships had carefully considered the Orders issued by the American Government for the inspection of cattle previous to exportation; but their Lordships are aware from experience that such inspection is unreliable. In the year 1879 there were 57 cargoes of American cattle in which pleuro-pneumonia was detected; the total number of animals in which the disease was found to exist was 137, a number far in excess of that received in one year from all other exporting countries put together."

The last quotation I shall make is from a letter addressed by Sir Edward Thornton to Lord Granville, April 26th, 1880—

"It appears that the disease exists in some parts of the State of Connecticut, West Chester County, New York City, and Long Island in the State of New York, and in several counties in the States of New Jersey, Pennsylvania, and Maryland. It would seem that many cattle have died of the disease in the above-mentioned States, that others have been slaughtered, and that the regulations made to prevent the spread of the disease are not attended to, and are sometimes wilfully evaded, and that there are quite enough infected cattle to cause the disease to spread over a large extent of territory unless stringent measures are adopted and vigorously enforced for its suppression."

It appears to me that there is a class of politicians who have a political economy entirely of their own, not founded on facts, but simply fitted to their own preconceived ideas. These politicians deliver themselves occasionally of remarks so exceedingly elementary as quite to take one's breath away with astonishment. This is a case which requires special knowledge of the facts to enable anyone fairly to balance the advantages and disadvantages of the indiscriminate import of livemeat into this country. It is simply a question of whether the country gains more by indiscriminate import or loses more by the introduction of foreign disease. Theorists, of course, in the face of all evidence, will vote in favour of the gain, but they will so vote simply because they are theorists; they are not competent to consider that beyond the present difference in price there lies the deeper question of the destruction, or, at any rate, the deterioration, of the entire stock of the country. Mere theorists do not consider that when the stock is in-

fectured it is not the loss of meat alone that is involved, but that the breeding qualities of our herds are affected for generations. Present loss of meat, present loss of milk, is bad enough; but when the loss is permanent, then, indeed, the question becomes a very grave one. The theorist, it is true, presents to uninformed minds pleasing pictures of the abundance which will be produced by the removal of what he is pleased to call protection; but he is unable to appreciate the grievous injustice to the farmer, the serious loss to the country, which the adoption of his crude notions would entail. The immunity from disease which has followed the legislation of the late Government has been such a marked blessing to the farmer, has been such a marked blessing to the country, that it would be a bold Government indeed, it would be a bad Government indeed, which should seek to reverse it.

Mr. J. W. BARCLAY said, he wished to invite the attention of the House to the effect which these regulations and restrictions had upon the farmers of this country, as well as upon the landlord. In the first place, he begged to point out that there were two classes of farmers whose interests were affected by the importation of foreign cattle. The interests of the whole of the farmers were uniform in this respect, that they were anxious there should be no disease imported into this country; but there was divergence in the interests of the two classes in another respect. There was one class of farmers who bred cattle, and another who bought store cattle for the purpose of fattening them. Now, the interests of these two classes were, in some respects, very distinct indeed. The breeder desired that there should be few store cattle imported, in order that he might get a better price. The farmer who fattened store cattle desired to have a very large supply of store cattle, because, being able to buy them cheap, he was able to make a good profit from the fattening. Those practically acquainted with the condition of things in this country for the last year or two knew that the large portion of farmers' losses arose from this circumstance, that they had to buy store cattle at a very high price, and having fattened them, sold them at a lower price per cwt. than that for which they bought them. Now, how did this question of imported foreign cattle

affect the farmers? In the Western States of America they might get almost an unlimited supply for the purpose of fattening, thereby making a handsome profit. He had been over in the North-Western States last autumn, and, although he did not take upon himself the part of a Commissioner, he had inquired into the state of cattle disease, and made inquiries on every occasion as to the subject, and also as to the price at which cattle could be bought and brought over. Notwithstanding the statement that had been made by the hon. Member for Bedfordshire (Mr. J. Howard) and others, the result of his inquiries was that disease was practically unknown in those districts. No doubt, on one occasion, Texan fever spread through one of the Northern States, very much as rinderpest prevailed in this country a short time ago; but since 1871 there had not been any further case of Texan fever in the North-Western States. He believed that Texan fever was somewhat like yellow fever—it did not extend beyond a certain degree of latitude. When in the Western States, he saw very large herds sold at such a price that they might be delivered at Liverpool at £15 a-head. They were half-fattened—a condition in which the farmers of this country would like to have them. These cattle would have readily been bought in this country by farmers at £20; and, indeed, they could not get them at that price. What took place in consequence of these regulations? Instead of these store cattle coming over to this country, and the fatteners getting a fair opportunity of making a profit, they were directed into Illinois, where Indian corn was grown in abundance, and fattened there. They then came across to Liverpool, were slaughtered at the port of debarkation, and sold in competition with the cattle here; so that the difference of £5 per head was turned into the pockets of the Yankee, instead of into that of the British farmer. This was one of the consequences of the restriction imposed by these regulations, and he was bound to point out that result for the purpose of calling the attention of the House to the fact that this question was a double-edged one, which not only affected the consumer and breeder of cattle with regard to the importation of disease, but also the British farmer and landlord. After thinking over the position of the

British farmer for the last year or two it did seem to him that the best prospect of the British farmer was to be able to buy store cattle cheap, fatten them, and sell them in this country. The United States were held to be better adapted for the breeding than for the fattening of cattle; and if the British farmer could have his store cattle at the same price as the Yankee farmer, he had no doubt that he would be quite able to compete with the American farmer in the fattening of cattle. He could not, however, support the Resolution of the hon. Member for Salford (Mr. A. Arnold). He had no doubt there was a considerable amount of pleuro-pneumonia in the Eastern States of America; but to say that no cattle should be imported from the Western States because disease existed in the Eastern States would be as absurd as to say that no cattle should be imported from Denmark because there was disease in Spain. The mistake was made in dealing with the whole of America as one country; and when the hon. Member for Bedfordshire said that cattle could not be brought from the Western States without passing through the States where disease existed, he was deficient in his geography; for a glance at a map would show that there were lines of railway coming westward from Chicago through Michigan to the Canadian port, and that it was possible to bring Western cattle from Chicago without going within 500 miles of the infected districts. We allowed cattle to be imported alive from Canada now; so that if there was a clear road from the Western States to Canada without going near the Eastern States, he did not see why the Privy Council should not take steps to allow the unrestricted importation of cattle by that route. The Privy Council ought to make such independent inquiries as should satisfy them whether or not that course could be safely carried out. From his earlier observations in connection with the stamping out of rinderpest in this country, he was fully impressed with the great necessity for the preservation of our herds and flocks free from disease, and he certainly would not propose a relaxation of the restrictions, if such a relaxation would be accompanied by any really tangible danger; but, in the face of the difficulties now before the British Parliament, and in the face of the feeling which was getting up in many of the

*Mr. J. W. Barclay*

in 1867—for it had continued from 1865 to 1867—had freed the country from foot-and-mouth disease and from pleuropneumonia. Yet, as soon as free importation became resumed, the foot-and-mouth disease had spread with the utmost rapidity. Owing to the state of the law here at the time, many millions were lost, and the foot-and-mouth disease formed, during the year 1872, certainly a national curse. In 1873, he (Mr. Duckham) submitted, in his evidence before a Select Committee of that House, the result of his investigations, and showed that the nation sustained a loss of £19,000,000, which was nearly four times the value of the imported live stock of that year. The Veterinary Report of the Privy Council, which they had been furnished with, showed that the number of diseased animals which had come from the United States during the past year was 137; but the total number imported in the same vessels with the diseased animals was 21,647; so that, had not restrictive regulations prevailed under the Act of 1878, the seeds of disease would have been scattered all over the country. When they looked at the rapid increase in the importation from America, it did not appear that any real loss had been sustained by the nation in consequence of the regulations; for whilst in 1875 there were only 299 cattle brought into England from the United States, there had been, during nine months last year, 76,117. An increase had taken place in sheep also, for whilst in 1877 they stood at 13,120, they reached 119,350 during nine months last year. The improvement which had taken place since the establishment of the restrictions was a sufficient evidence in their favour, and he was emphatically of opinion that the continuance of good and effective regulations was for the general good of the nation—for the interest of the producer as well as of the consumer.

Mr. MUNDELLA said, he did not regret that his hon. Friend the Member for Salford (Mr. Arthur Arnold) had brought that question before the House, because there was a great misunderstanding in many large constituencies as to the use which the Privy Council was making of the powers intrusted to it. His hon. Friend complained that the Lord President of the Council and the Department had assumed to themselves

the right and responsibility of dealing with the matter, and remarked, further, that he (Mr. Mundella) might plead that he was acting there as the mouthpiece of the Department. He declined altogether to take that course. He preferred to take upon himself the full responsibility of the words he uttered. He had, therefore, endeavoured to master the question, and what he should have to say to the House was really the result of his own convictions. His hon. Friend had said that the existing restriction on importation violated the principles of Free Trade and of political economy. Now, he (Mr. Mundella) hoped that, as an old Freetrader, he was above suspicion; and he was quite sure that his noble Friend the Lord President of the Council (Earl Spencer) was as good a Freetrader as any hon. Member of that or the other House.

Mr. ARTHUR ARNOLD denied having used the language attributed to him.

Mr. MUNDELLA begged his hon. Friend's pardon for having misunderstood him. He had certainly understood his hon. Friend to say that the restriction violated the principles of Free Trade. His hon. Friend had spoken with a good deal of feeling as the Representative of a large constituency. Like his hon. Friend, he (Mr. Mundella) was the Representative of one of the largest constituencies in the Kingdom, and one which, of all others, was most interested in the matter. There was none in which the habits and necessities of the people required so large a consumption of meat as the town of Sheffield. He thought, after all, that this was not a farmer's question, but a consumer's question; and he, therefore, desired to argue it purely from a consumer's point of view. He wished, in the first place, to clear up one or two misapprehensions. His hon. Friend thought that the opposition made by the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) to the restriction when first proposed by the Privy Council was not altogether a successful opposition. He did not quite agree with that conclusion. The opposition succeeded in obtaining for the Privy Council the privilege of exercising option in all cases, and that seemed to him to be a fair and reasonable compromise. It was a compromise which

found, as a matter of fact, that in 1879 1,181 diseased animals were imported from the United States into this country; and that between the 1st January and the 30th June of the present year there had been imported 495 diseased animals. He submitted, therefore, that the hon. Member for Salford had not a leg to stand upon, and that it was impossible for the Government to do anything else than to give to the Motion an unqualified resistance.

COLONEL KINGSCOTE said, he thought the time of the House had been taken up too long in going through Blue Books on this question. He considered just cause had been shown for standing by the Act of Parliament. The hon. Member for Salford (Mr. A. Arnold) had sneered at the Duke of Richmond; but the present Vice President had backed up the opinion and actions of the Duke of Richmond. The Act of Parliament required that foreign animals should be slaughtered at the port, subject to the power of the Privy Council to allow their importation if a clean bill of health for the exporting country could be shown. He appealed to the House whether the hon. Member for Salford, or the hon. Member for Manchester, who had supported him, had shown that the price of meat had increased in consequence of the restrictions put upon the importation of cattle from America, or that that country was so free from disease that cattle might without fear be imported into this country. It was impossible to read through the Blue Book, however cursorily, without seeing that in America pleuro-pneumonia existed to a very dangerous extent, and that it was not unlikely that Congress would be appealed to to do something with regard to this matter. America, however, had just cause of complaint with respect to the dead-meat trade. The dead meat imported was treated like so much carrion when it arrived in this country. His hon. Friend the Member for South Leicestershire (Mr. Pell) would back him up in this assertion. There was no disguising the fact that the middle man in this country, the butcher, and the dealer in live animals, thought that they could make more out of them than out of dead meat; and, therefore, they set their face against the dead-meat trade. The hon. Member for Salford and the hon. Member for Manchester (Mr. Jacob Bright), when they spoke of so many sheep being

slaughtered at the port of landing cause one or two were infected, seem to forget that that meat was not lost to the community, but was sold and eaten. hon. Member for Mid Lincolnshire (Chaplin) had referred to the Return for the last six months, by which it appeared that 187 animals had disclosed symptoms of pleuro-pneumonia. What would have been the extent of the disease had the consequences if even five or six of those animals had found their way into this country? He thought it would be most detrimental to the interests of the country to allow foreign animals to come into the country indiscriminately. He, therefore, hoped that, under the present circumstances, the Privy Council would staunchly maintain the Resolution.

MR. DUCKHAM said, he had not intended to that discussion with a great amount of interest, but that it did appear as if the House were likely to be convinced by the hon. Member for Salford (Mr. A. Arnold). If we were to supplement the produce of our country by importations of diseased animals from abroad, the result would be that disease would be spread broadcast here, and that, instead of cheapening the supply of meat to the people, it should tend very decidedly in the opposite direction. Pleuro-pneumonia, of which we knew a great deal now, was known only in France when Youett, in 1845, published his treatise on cattle, under the supervision of the Society for the Diffusion of Useful Knowledge. Owing to the free importation of stock in 1846 that disease had soon reached this country; from England it had gone to Australia, and thence all over the world, having become a source of very serious loss to the Colonies belonging to Great Britain. It had recently got across from Australia to New Zealand, to the great distress of the stockowners of the latter place. An hon. Member just now said that there had been a cry from the farmers of England respecting the losses sustained by imported diseases until the cattle plague was broken out; but that was not quite true still, it was only when the cattle plague actually broke out and threatened to destroy the whole of our herds that attention was given to what had long been an unheeded complaint. The very measure adopted to stamp out the cattle plague

*Mr. Chaplin*

in 1867—for it had continued from 1865 to 1867—had freed the country from foot-and-mouth disease and from pleuropneumonia. Yet, as soon as free importation became resumed, the foot-and-mouth disease had spread with the utmost rapidity. Owing to the state of the law here at the time, many millions were lost, and the foot-and-mouth disease formed, during the year 1872, certainly a national curse. In 1873, he (Mr. Duckham) submitted, in his evidence before a Select Committee of that House, the result of his investigations, and showed that the nation sustained a loss of £19,000,000, which was nearly four times the value of the imported live stock of that year. The Veterinary Report of the Privy Council, which they had been furnished with, showed that the number of diseased animals which had come from the United States during the past year was 137; but the total number imported in the same vessels with the diseased animals was 21,647; so that, had not restrictive regulations prevailed under the Act of 1878, the seeds of disease would have been scattered all over the country. When they looked at the rapid increase in the importation from America, it did not appear that any real loss had been sustained by the nation in consequence of the regulations; for whilst in 1875 there were only 299 cattle brought into England from the United States, there had been, during nine months last year, 76,117. An increase had taken place in sheep also, for whilst in 1877 they stood at 13,120, they reached 119,350 during nine months last year. The improvement which had taken place since the establishment of the restrictions was a sufficient evidence in their favour, and he was emphatically of opinion that the continuance of good and effective regulations was for the general good of the nation—for the interest of the producer as well as of the consumer.

MR. MUNDELLA said, he did not regret that his hon. Friend the Member for Salford (Mr. Arthur Arnold) had brought that question before the House, because there was a great misunderstanding in many large constituencies as to the use which the Privy Council was making of the powers intrusted to it. His hon. Friend complained that the Lord President of the Council and the Department had assumed to themselves

the right and responsibility of dealing with the matter, and remarked, further, that he (Mr. Mundella) might plead that he was acting there as the mouthpiece of the Department. He declined altogether to take that course. He preferred to take upon himself the full responsibility of the words he uttered. He had, therefore, endeavoured to master the question, and what he should have to say to the House was really the result of his own convictions. His hon. Friend had said that the existing restriction on importation violated the principles of Free Trade and of political economy. Now, he (Mr. Mundella) hoped that, as an old Freetrader, he was above suspicion; and he was quite sure that his noble Friend the Lord President of the Council (Earl Spencer) was as good a Freetrader as any hon. Member of that or the other House.

MR. ARTHUR ARNOLD denied having used the language attributed to him.

MR. MUNDELLA begged his hon. Friend's pardon for having misunderstood him. He had certainly understood his hon. Friend to say that the restriction violated the principles of Free Trade. His hon. Friend had spoken with a good deal of feeling as the Representative of a large constituency. Like his hon. Friend, he (Mr. Mundella) was the Representative of one of the largest constituencies in the Kingdom, and one which, of all others, was most interested in the matter. There was none in which the habits and necessities of the people required so large a consumption of meat as the town of Sheffield. He thought, after all, that this was not a farmer's question, but a consumer's question; and he, therefore, desired to argue it purely from a consumer's point of view. He wished, in the first place, to clear up one or two misapprehensions. His hon. Friend thought that the opposition made by the right hon. Gentleman the Chief Secretary for Ireland (Mr. W. E. Forster) to the restriction when first proposed by the Privy Council was not altogether a successful opposition. He did not quite agree with that conclusion. The opposition succeeded in obtaining for the Privy Council the privilege of exercising option in all cases, and that seemed to him to be a fair and reasonable compromise. It was a compromise which

had, he believed, worked well, and he was prepared to stand by it. It was not only to the interests of the farmers or breeders, but to the interests of the consumers and of the general community, that they should as much as possible preserve their flocks and herds from the inroads of disease. His hon. Friend had referred back to the year 1878. Now, he (Mr. Mundella) was quite content with what was achieved in the year 1878. On the 1st of January, 1879, the Act of 1878 came into operation. What was the feeling of the House, and of the Privy Council, at that time in regard to the United States? The conviction was strong that no disease existed in the United States at that time; and the Bill, as it came down from the House of Lords, placed the United States on an exceptional footing. That course was subsequently changed, and the United States were placed on exactly the same footing as all other countries. On the 1st of January, the Act came into operation, and on the 7th of January, 1879, a cargo of cattle was brought to this country by the *Ontario*, in which there were two animals dead from pleuro-pneumonia, and 12 others after death were found to be seriously affected. There could be no mistake with regard to pleuro-pneumonia. There was no question about that. [Mr. ARTHUR ARNOLD dissented.] His hon. Friend the Member for Salford shook his head. All he (Mr. Mundella) could say was that all the medical evidence in this Kingdom quite agreed on the subject; and if eminent men who advised the Privy Council did not know their business, it should not be expected that those who were not experts or professional men should know any more of it. It must be recollected that the same rule as to restrictions was applied to home animals as to foreign animals, and if there was hardship in one case there must be hardship necessarily in the others. Let them consider how the law worked in respect to the farmer at home. They placed the farmer at home under very onerous conditions, and the two things hung together, for it was impossible that they could abolish the restrictions for the prevention of the importation of foreign disease, and still retain the restriction upon the trade at home. If they suspected the existence of disease, the farmer was required to kill the suspected animal. If they proved

*Mr. Mundella*

to be diseased, he was only allowed per cent of the value; and if they were found to be healthy, then he was allowed 50 per cent of the value. He could not buy and sell with freedom, but he was in an isolated position, he was so situated for a certain time his trade was entirely stopped. Then, could they exact these onerous conditions from the farmer at home, not exact similar conditions in regard to the foreign trade? When it was found that a ship from the United States brought a diseased cargo, by the advice of the Veterinary Department of the Privy Council, and after a Cabinet Council had been held on the subject—for it was not done by an individual, but was an act of the united Cabinet—the Order was issued which was to come into operation on the 4th of March. During the year 1879, there were 535 cargoes of cattle from the United States. Of these 69 cargoes were diseased. It was quite true that there were only 137 cases of pleuro-pneumonia in these 69 cargoes, and his hon. Friend the Member for Manchester (Mr. Jacob Bright) said, why not kill off the diseased cattle, and allow the remainder to pass free into the interior? It was not a question of killing off the infinitesimal number of animals which might be found to be diseased. These 137 diseased animals had been in contact with 119,000 cattle, and they had to consider and deal with not alone the cattle in which disease had been detected, but the cattle affected by the consequence of having been in contact with them. If the 119,000 had been allowed to pass into the markets in the interior, it was probable that the disease would have been in the process of incubation for three or four months, and at the end of that time they would have established all over the country a disease which would have completely swept away our herds. [An hon. Member: And sheep.] His hon. Friend said, and referred to the foot-and-mouth disease in sheep. When it was found that sheep were suffering from foot-and-mouth disease the restrictions of the Privy Council were put in force, and what was the result? Not a single sheep could be more admirable than the working of the Act in respect of foot-and-mouth disease. At one time, a few years ago, as many as 30,000 sheep were imported into this country in the course



and for the whole of the pre-  
there had not been a single  
-and-mouth disease from Ire-  
for eight weeks past there  
on one reported to the Privy  
the United Kingdom. To use  
of Professor Brown, "foot-  
disease may be regarded as  
extinct." That was an im-  
to the country, for what-  
l to preserve the breeding  
of their stock increased the  
of meat, and cheapened the  
the consumers. When the  
first imported from America,  
here denied it, and said they  
heard of such a thing, and  
sequently, quite distressed at  
on. What was the state of  
America now? It was not  
now, but alarm from one end  
to the other. The people of  
were alarmed at the condition  
ttle with regard to pleuro-  
Secretary Sherman, who, at  
ained bitterly of the action of  
the Government, said now in

many complaints were at first  
order compelling immediate slaugh-  
imported from the United States  
tain, a careful consideration of the  
th countries leads to the conclusion  
r was made in perfect good faith  
portation of the disease, and not  
w to embarrass the traffic in meat  
in the countries. The supposed im-  
pleuro-pneumonia by the Ontario,  
ts of the existence of the disease  
the Atlantic States, furnished  
ound for the action of the British  
and it is not doubted that the Go-  
be as ready to rescind the restric-  
e traffic as it was to impose them,  
e convinced that it may do so with-  
f introducing the much-dreaded

Sherman went on to say—

important, not only with reference  
protection, but to our commerce with  
in meat cattle, that effectual mea-  
e taken by our own Government  
general against the spread of the  
country, and in particular against  
introduction into Great Britain  
shipment of cattle from our own

not now a word of complaint  
ed States as to our rules in  
importation from America.  
Professor Law say about it?  
(Mundella) did not wish to  
House with extracts; but he

was desirous of showing that if there  
was no possibility at present of relaxing  
the regulations, they were really main-  
tained as much for the protection of  
the consumer in the manufacturing dis-  
tricts as for the farmer. Professor Law  
said—

"And this malady we harbour on our Eastern  
sea-board, where it is gradually, but almost im-  
perceptibly, invading new territory, and pre-  
paring, when opportunity offers, to descend with  
devastating effect on our great stock range of  
the West. There is abundant evidence of the  
existence of this affection in Eastern New York,  
in New Jersey, Pennsylvania, Maryland, De-  
laware, Virginia, and the district of Columbia.  
Within the past year, I have advised in the  
case of three outbreaks—one in Eastern New  
York, one in Staten Island, and one in New  
Jersey. At present, it creates little apprehen-  
sion; but we are asleep over a smouldering  
volcano, which only wants a little more time to  
gather strength, when the general infection of  
the country will be imminent. Speaking from  
the port of New York, it has already gained a  
substantial hold upon seven different States,  
including the district of Columbia, and has been  
invading and been repeatedly expelled from two  
more; and it is only requisite that it should  
reach the sources of our stock supplies in the  
West to infect our railway cars and the Eastern  
States generally."

And so on. He could quote 20 pas-  
sages to the same effect. According to  
a decision come to in regard to Illinois,  
it appeared that, according to the law  
of the United States, one State was  
not allowed to legislate against another;  
and, therefore, they could not have that  
universal and effectual protection which  
was required in order to stamp out the  
disease. Therefore, until Congress, as  
a whole, took the matter up, and not  
State against State, there was no pro-  
bability of the disease being stamped  
out. He wished now to point out to the  
House that although they had only had  
experience in seven months of the pre-  
sent year, they had had 70 and odd  
cases of disease more in those seven  
months of this year than they had in the  
whole 12 months of last year. We must  
accept that fact as a proof of the increase  
of the disease. We had had 20 cases  
of pleuro-pneumonia reported from the  
United States in seven months, and that  
was just four times as many as we had  
from all the rest of the world put to-  
gether in six years. His hon. Friend the  
Member for Manchester spoke of an in-  
finitesimal number of animals being  
infected; but hon. Members must re-  
member the insidious character of the



disease. One single diseased cow would infect the whole of the stock. One diseased animal imported into Australia had been the pest of that country, and the infection had now been imported into New Zealand, and was devastating the cattle of that country. These 20 cattle had come to the shores of this country in large cargoes; and if they had found their way into the inland markets there would have been no means of keeping the disease from spreading all over the country. The incubation was very much longer than the voyage. They came over in 14 days at the outside, and the disease did not, in some cases, manifest itself for three months. Suppose that the infected cattle were allowed to come into contact with the English cattle which were not sold in the market, but taken home, they might have introduced pleuro-pneumonia in its worst form into every part of the country. They had been most successful, by the Act of 1878, in diminishing the disease. He would point out to the House what had already been the operation of that Act. In Great Britain, in 1875, there were 5,806 cases of pleuro-pneumonia; in 1876, 5,253 cases; in 1877, 5,330; in 1878, 4,593; in 1879, 4,414; and in the first six months of the present year the number had been reduced to 1,401 cases. They must remember what a searching inquiry they had now, and the severe penalties imposed for concealment. Everybody knew he must report every case, and he dared not do otherwise, and with these severe restrictions they had succeeded in reducing the number of cases to less than one-half what they were last year. He was sorry to inform the House that he had that afternoon received a telegram which he did not think it fair to conceal from the House, as it might be read with more alarm when it appeared in the newspapers to-morrow. Professor Brown had received a telegram that afternoon from Birkenhead, stating that five beasts, suffering from splenic apoplexy, had to be slaughtered on debarkation from Boston, and that 43 others had been thrown overboard on the passage. Professor Brown said that this disease was known as "Texan fever," a malady which was even more fatal than the cattle plague. Immediately on receiving the telegram, Professor Brown ordered the entire cargo of cattle to be

slaughtered at once, and everything connected with them which could cause infection to be destroyed. He thought it right to mention this circumstance, the telegram having been handed to him that evening as he came down the House. It was evident that in importation of animals from America there was a source of danger which could not be ignored. His hon. Friend Member for Salford seemed to think that the operation in the restrictions would lead to a diminution in the supply of food. He would point out what imports of meat had been. In 1875 there were imported 215,581 cwts. of beef, representing 32,337 head of cattle; in 1876, 413,351 cwts. of beef, representing 62,003 head of cattle; in 1877, 678,505 cwts., representing 101,775 head of cattle; in 1878, 729,311 cwts., representing 109,368 head; and in 1879, 812,237 cwts., representing 121,836 head of cattle in the shape of dead meat. He agreed that they had not yet devised a better means of conveying meat fresh to London and other places at a distance from the port of debarkation. Hitherto there had not been devised a means of transporting dead meat from Liverpool to Manchester, which was comparatively a very short journey, in a reasonably wholesome condition. No doubt, it was a most delicate and perishable article of food; but they were able to bring supplies of other articles of food from Glasgow in the summer, and it did seem discreditable that greater care was not exercised in regard to the conveyance of meat. A more important question than the dead meat trade was the proportion of imported cattle to home cattle. This was a very important matter indeed, and involved the consideration whether they were to sacrifice the greater source of supply for the sake of a comparatively small portion of the supply. The number of cattle in Great Britain in the year 1877 was 5,697,933; in 1878, 5,738,121; and in 1879, 5,856,356. At a moderate calculation, one-third of these were killed annually, or, in round numbers, about 2,000,000 head of cattle were slaughtered in Great Britain each year for the purpose of providing food at home. And what were the imports? The total imports in the largest year were 246,600, or less than 12½ per cent of the whole meat consumption of the country is

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the shape of live cattle. Surely, political economists, they should not neglect the important source which supplies more than 87½ per cent, in value, without restriction, the supply of 12½ per cent. The foreign supply was, no doubt, invaluable as a supplement to the home production; they furnished 87½ per cent at a supply of 12½ per cent from the West could not materially affect the demand and the importation of American cattle would not fall off. In 1876, 392,000 were imported; in 1877, 11,538; in 1878, 14,450; in 1879, 76,117; and in the first months of this year, 94,856, being a total of 150,000 for the year, and a considerable surplus what was imported last year. No doubt, if the cattle were allowed to go free into the interior, they would realize higher prices; but the loss of profit was already so considerable, and the prices so remunerative, that the trade was abundantly attracted to the American producer, who would not send in all the cattle he could get. He did not think, therefore, that there was any danger of the supply falling off. We had done all we could to induce the Americans to place their country on an equal condition that we might concede special concessions for the admission of their cattle. Up to the present time, nothing had been done. He thoroughly agreed with his hon. Friends in the House to accelerate the supply from the West, and nothing would give him more pleasure than to be able to annul the laws of America had been based upon such a footing that would prevent the spread of disease, and leave the American authorities to deal with the disease wherever it manifested itself. He should be glad to announce that all that had been accomplished, up to the present moment, the American Companies had done none. He held in his hand an extract from the *Chicago Journal*, a Western journal, of the 5th of July, in which this statement

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meanwhile, traffic between the non-infected districts will go on without hindrance, and the vast herds of the mining and feeding regions of the West will not be invaded by the dreadful virulently-contagious pleuro-pneumonia when it shall have broken out in the vicinity of Chicago, St. Louis, Kansas City, Council Bluffs, entailing millions of

loss annually on the great West, when our sage Congressmen will, probably, awake to the fact that something ought to be done, and then it will, probably, be too late. It is barely possible that a vote may be reached upon the Bill agreed upon in Committee before the present Congress adjourns; but, from the present outlook, such an event is not probable; and even if the friends of the measure should succeed in bringing it to a vote in the House, it would almost certainly fail in the Senate for want of time. The outlook is decidedly unfavourable, and the great stock-growing regions of the West appear to be doomed to two more years of imminent peril."

The agriculturists of America complained bitterly that the Senate had gone home without having legislated in the direction of preventing disease. Then, how could they, with the law passed in 1878 before their eyes, with its requirements which were pretty distinct, and which appeared to him to be essentially necessary, say, with his hon. Friend the Member for Salford, that the stock-producing States of America were free from disease, and that it was desirable for the Government to consider the existing restrictions with a view to their modification or removal? The restrictions would be removed if, at any time, the Privy Council were satisfied that the measure taken for preventing the introduction and spread of disease and the general sanitary condition of the animals afforded reasonable security that disease was stamped out; but, in the face of the facts he had stated, and if time would only permit, he could have entered into the question at much greater length. How could they do that? They had come to the conclusion that it was impossible, with any regard to the safety of our own cattle, and with any regard to the interests of the consumers, to admit under fewer restrictions than at present the importation of American cattle. He knew that the Lord President of the Council had written a letter both to the Colonial Office and the Foreign Office, drawing the attention of the Canadians and the Americans to the condition of American cattle, and Secretary Evans had proposed to Canada that the Western cattle should be allowed to pass through Canada by way of Detroit, in the direction intimated by the hon. Member for Forfarshire (Mr. J. W. Barclay). But he wished hon. Members to bear this in mind. It was said that all the cargoes we had from America were from the West, and yet they had

plenty of disease in those cargoes. Therefore, the effect of sending these cattle through the Eastern States would simply be to spread disease. There was certainly no evidence to show that there was no disease in the West. The evidence established this fact, that wherever the cattle had been carefully examined disease had been found to exist in the cattle of the Eastern States. They had not yet so carefully examined the cattle from the West, because there had not been the same necessity for it. But if they were to travel through Canada, he presumed that Canada, for her own security, would have a thorough examination. The Lord President had written a letter to the Colonial Office, requesting Lord Kimberley to impress on the Canadian Government the necessity of urging the Government at Washington to enforce regulations for the whole of the United States so as to prevent the spread of disease, either by means of the transportation of animals, or otherwise. It was only by the adoption of some such measure that he believed the disease now existing in the United States could be eradicated. A copy of the letter of the Lord President had been sent to the Foreign Office; and he thought that having done that, and having represented the position fully to the American Government, this Government had done all they possibly could. In the interests of their own cattle, and in the interests of their own trade, it was desirable that the Government of the United States should pass stringent regulations and put them into practical operation. He only desired to say one word more. If we were at that moment to repeal our rules with respect to the admission of American cattle, it would be a very bad thing for ourselves and for America; because the American people, who were urging upon the American Government the duty of doing everything to stamp out disease in the States, would find their hands weakened. The Government would continue the course they had marked out for themselves, and he hoped they would do that with continued and increased success.

SIR STAFFORD NORTHCOTE wished to express the great satisfaction with which they had listened to the speech of the right hon. Gentleman (Mr. Mundella), not only because they con-

sidered the arguments he had used very extremely valuable, but also because of the testimony he had borne as to the value of the Act passed by the late Government was extremely important, coming, that testimony did, from the Vice President of the Council. The Act passed by the late Government was not at all intended to be of a protective character, but it was passed for the sole and separate object of endeavouring to protect the flocks and herds of this country from disease. There had, no doubt, been a great misunderstanding and misrepresentation respecting that Act in some of the constituencies and large towns in the Kingdom. He rejoiced, however, to think that, after the remarks he had just listened to, the Act would be judged by its own merits, and he thanked the right hon. Gentleman for the very able and convincing speech he had made.

MR. R. H. PAGET said, they had received a very grave piece of news from the right hon. Gentleman (Mr. Mundella). In speaking of the outbreak of "Texan fever" in America, he told them that it was very virulent, even more so than the rinderpest itself. What they had a right to ask was that and he did not think they would be in vain, because, after listening to the speech of the right hon. Gentleman, could come to no other conclusion than that he was thoroughly alive to the great necessity of stamping out disease at home and keeping us free from the infection of disease from abroad. What they had a right to ask was that more than ordinary precautions would be taken to prevent the spread of disease. It was not the stoppage of merely one vessel every now and then that was wanted, but far greater care and watchfulness would be required. The entire prohibition of entry might be required in order to prevent the disease finding its way into England. They were justified in calling particular attention to this point and requiring that the Department to whom was intrusted the duty of attending to these matters would perform that duty with the utmost vigilance. It was to him a matter of great satisfaction to hear the praise that was passed by the right hon. Gentleman (Mr. Mundella) upon the Act of 1878. He had a lively recollection of the debates in the House during the passage of that Act. He remembered the opposition which

*Mr. Mundella*

met with from the Party now in power; and he recollected, too, how the present Chief Secretary for Ireland (Mr. E. Forster) regarded the Bill with my forebodings, and now he prophesied evil as the result of the restrictions. How he spoke of the restrictions as a sham, and how he maintained that an attempt to keep disease out of the country would lead to restrictive trade. When they were told that, so far from restrictions being a sham, they had been eminently successful. Foot-and-mouth disease was a thing of the past; typhoid, pneumonia, and other diseases were kept so under control, that there was every hope that shortly they might be entirely extinct. It was very satisfactory for those who fought the Bill after day, and night after night, that they only managed to pass it at the end of the Session, to know that the most unqualified praise and approbation was given to the Bill by the President of the Council. It was satisfactory to them to know that, as the Bill eventually passed through the House, they had achieved all the successes they expected it would. The Bill was brought in not with the view, as was stated by the hon. Gentlemen, of affording protection to the British farmer, but with a view of protecting the interests of the community at large, and procuring for the people that which they wanted—healthy and sound meat. There was another point to which he wished to draw attention, and that was as to our safety, in our own defence, of maintaining what restrictions we chose for keeping out disease. What did America do? Why, America itself absolutely prohibited the introduction of stock from the Dominion of Canada, and subsequently established a quarantine of 90 days. If America, so alive to her interests, was ready, in defence of her stock, to impose such stringent restrictions, we, in England, had a right to do much for ourselves. What had been done by the late Government had been done; and, at present, the country was freer from disease than it had been for a great many years. It ought to be borne in mind that the existing restrictions were very onerous and very severe on the farmers; but they submitted to them cheerfully, because they knew that, as now existing, would secure them from the importation of fresh disease.

But let the law be altered; let them legislate in the spirit of the hon. Member for Salford, and permit the importation of diseased stock, and they would find it impossible to maintain the home restrictions. That debate had been of great value; it had been of great value, because it had shown how absolutely hopeless it was for the hon. Member (Mr. Arthur Arnold) to attempt to get anybody to follow him into the Lobby. The opinions of the hon. Member had been entirely demolished by the practical sound sense which had fallen from the right hon. Gentleman the Vice President of the Council. The right hon. Gentleman had cut the ground completely away from the hon. Gentleman's feet. However, the hon. Gentleman had occupied their time; he had flogged the horse in vain; but they thanked him for the action he had taken, because they had been shown that Her Majesty's Government were ready to carry out the Act of 1878 in its entirety. They believed that, rightly administered, the Act would secure the country against disease. He was glad to find it was being so administered, and he hoped that the Vice President of the Council would take special care with regard to the particular disease of which he had spoken.

MR. W. E. FORSTER thought it requisite that he should make some slight allusion to the remarks of the right hon. Gentleman (Sir Stafford Northcote) and the hon. Gentleman (Mr. R. H. Paget). His right hon. Friend (Mr. Mundella) had made a most convincing statement, and, in the course of his speech, he alluded to the Act of 1878. Leaving the question as to what must be done, the right hon. Gentleman (Sir Stafford Northcote) took advantage of the opportunity of enlarging upon the benefits of the Act of 1878. He (Mr. Forster) did not know that, generally speaking, it was very interesting to the public to make this kind of reference to past Acts. The hon. Gentleman (Mr. R. H. Paget) had, in a good-humoured way, taunted him (Mr. Forster), because, during the passing of the Act of 1878, he had something to do with the criticism of it. But the Act which the right hon. Gentleman (Mr. Mundella) had administered, and which they considered to be an advantage, was the Act as finally passed.

MR. R. H. PAGET said, he particularly took care to speak of the Act as amended in Committee.

MR. W. E. FORSTER continuing, observed, that the hon. Gentleman gave on credit to the then Opposition for the amending of the Bill. They never opposed the Bill on the ground that it would prevent the importation of disease, but they opposed it because they considered that if it was passed in the form in which it was brought in it would have been a protective Act. As it was finally passed, it was an Act for the purpose of preventing the importation of disease; and if the hon. Member (Mr. R. H. Paget) cared to refer back, as he seemed so interested in past discussions, he would find that instead of gloomy prophecies of evil, he (Mr. Forster) expressed himself satisfied with the way it had been amended, and the part he and his Friends had played in that Amendment, and prophesied that good results would follow. He, therefore, did not think that the right hon. Gentleman's (Sir Stafford Northcote's) allusions to that Act would be very interesting to the public. They all admitted that it was very desirable to have as many restrictions as were necessary to prevent the importation of disease; but no more. He also admitted that the result of the discussions in 1878 was to demonstrate the formidable character of pleuro-pneumonia, and the necessity of legislative action with regard to that disease. It was quite clear that pleuro-pneumonia did exist in the United States to a very considerable extent, and that there could not be free importation without great danger of infection. His right hon. Friend the Vice President of the Council (Mr. Mundella) told them how glad he would be if negotiations could be entered into with the United States for the isolation of that part of the country in which disease prevailed, so that they would be able to receive cattle from the healthy places. He (Mr. Forster) feared, from the right hon. Gentleman's statement, that it would be very difficult to obtain that result, because it seemed that the disease must come from the stock-producing districts. He hoped the hon. Member for Salford (Mr. Arthur Arnold) would not proceed to a division, because it appeared quite impossible to alter the restrictions at the present moment without danger of introducing the disease.

MR. ARTHUR ARNOLD desired to state, in reference to the telegram which had been read to the House by the right hon. Gentleman (Mr. Mundella) that on page 85 of the Blue Book presented this morning, it was declared, on high authority, that, strictly speaking, Texas fever was not contagious.

Question put.

The House divided:—Ayes 194; Noes 120: Majority 174.—(Div. List, No. 9)

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. ASHMEAD-BARTLETT said, he did not intend to pursue his Notice with regard to Afghanistan, after the special appeal the noble Marquess the Secretary of State for India (the Marquess of Hartington) had made to him on the preceding day; but he wished to ask the noble Marquess if he would be so good as to fix a day for the discussion of the question of our relations with Afghanistan? He would remind the noble Marquess that, since the statement he had made yesterday, very grave news indeed had reached the country—news with regard to the withdrawal of our troops from Cabul. He would not refer to that, farther than to say that it was a step which might be extremely disastrous not only to our Army in Afghanistan, but to our general relations with India. He thought that, under those circumstances, the Government should give the House an opportunity of expressing its views on the subject. The discussion would be to the interest of the public, and would strengthen the hands of the Government.

THE MARQUESS OF HARTINGTON said, that, as he had stated the other day, our relations with Afghanistan were critical, and the negotiations were not completed. Under those circumstances a discussion on the affairs of Afghanistan would be inconvenient to the Public Service at that moment. No doubt before the end of the Session, the hon. Member might be able to find an opportunity of raising the question. He could not, however, say that within a short time a discussion on the affairs of Afghanistan would be desirable.

Motion, by leave, *withdrawn*.

Committee upon *Monday* next.

DODSON rose to move, in accordance with a promise he had given the hon. Member, the following new

payable under penalty to be deducted from compensation under Act.)

shall be deducted from any compensation awarded to any workman, or representative of a workman, or persons claiming by, through a workman in respect of any action arising under this Act, any part of a penalty which may have been in pursuance of any other Act of Parliament such workman, representatives, or in respect of the same cause of action; or an action has been brought under this Act by workman, or the representatives of workman, or any persons claiming by, through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action, such workman, representative, or person shall not be entitled to receive any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action."

effect of the clause, in simple terms was this—Under the Mines Regulation Act and the Factory Acts, in certain cases of accident, workmen entitled to receive compensation were penalised on the employer, and it was necessary to provide that workmen should not obtain compensation under one or other of those Acts the present measure as well. Compensation was given under one of these Acts this clause it could not be obtained under one of the others.

Clause agreed to, and added to the Bill.

ASSHETON CROSS said, that in answer to the hon. and learned Friend the Member for West Staffordshire (Mr. Staveley Hill), he had to state that the consequence of what had fallen from the hon. and learned Gentleman the Attorney General—namely, that the clause relating to Railway Companies would probably be amended, and would be brought up on Report, and the hon. and learned Friend would not have the time of the Committee with him on the subject now, but would wait until what was the proposition of the hon. Member for Bristol (Mr. S. Morley) was made. Government suggestions in the Bill and postpone any action he might take on the subject until Report, and give full right to raise the question again.

THE ATTORNEY GENERAL (Sir HENRY JAMES) (for the hon. and learned Member for West Staffordshire (Mr. Staveley Hill), moved, in page 3, after Clause 6, to insert the following Clause:—

(7.) "This Act shall not come into operation until the first day of January, one thousand eight hundred and eighty-one, which date is in this Act referred to as the commencement of this Act."

Clause agreed to, and added to the Bill.

MR. GORST (for the hon. Member for Greenwich (Baron Henry de Worms), moved in page 3, after Clause 6, to insert the following Clause:—

(Act to extend to workmen in Royal Arsenal at Woolwich and in Her Majesty's dockyards and victualling yards.)

"Subject to the provisions hereinafter contained, this Act shall apply to every workman not being a member of Her Majesty's regular Forces within the meaning of 'The Army Discipline and Regulation Act, 1879,' not being in or belonging to Her Majesty's Navy, and borne on the books of any one of Her Majesty's ships in commission, nor being a person serving in an established capacity in the permanent Civil Service of the State, employed in the Royal Arsenal at Woolwich, or in any of Her Majesty's dockyards or victualling yards, or under any Department of the State; and such workman, or, in case the injury results in death, the legal personal representatives of such workman, and in Scotland, any person entitled in case of death shall have all and the same remedies and rights of compensation as are by this Act given to and conferred upon workmen in the employment of private persons, and such remedies and rights may be enforced by action brought against the Commissioners of the Treasury, and the said Commissioners shall pay any amount so recovered, and the costs and charges of the proceedings in which such amounts are recovered, out of the moneys voted by Parliament to defray the ordinary costs and charges of the Departments in which such workman shall have been employed."

The hon. and learned Member said, he had not moved the clause in the form in which Notice was given, because in that form it could not be put from the Chair. Of course, he was quite aware that, in its present shape, the clause was inoperative; but it was the only shape in which a private Member could propose it. Workmen employed in the Government Establishments were on the same footing with those employed by the great Railway Companies or other large employers of labour; and that being so, he could not see why the Admiralty and the War Office should not be liable to pay the same compensation in cases of accident as persons carrying on other great industrial undertakings. He need hardly

There never had been but one desire on that side of the House, and that was that the measure should be passed into law as soon as possible. Were they to understand that if the Employers' Liability Bill was taken now, and the Committee stage disposed of, the Government would not think it necessary to call on the House to sit at 12 that day? If the noble Marquess proposed to meet at 12, he (Lord Randolph Churchill) and his Friends would have some observations to make about it.

Mr. RYLANDS ventured to suggest to the noble Marquess that it would be very much to the convenience of a large number of Members if the course suggested by the Government were persisted in. It seemed to him that to attempt, after 1 o'clock in the morning, to go into the remaining clauses of the Bill would be an extremely inconvenient course. He would remind the Government that it was not expected, and a number of hon. Members who were interested in the Bill might be away. The right hon. Gentleman opposite (Sir Stafford Northcote) had raised this difficulty in a most unreasonable manner. If they attempted to deal with the Bill that night they would certainly fail to get it through. As he understood it, the noble Lord (Lord Randolph Churchill), who, as an individual, took upon himself to represent that part of the House in which he sat, intended to resist the putting down of any other Business for Saturday if the Employers' Liability Bill were taken now. If the Bill, then, were now gone on with, they might find themselves in the position that, having started on it, they were unable to finish it, and were obliged to report Progress at 2 or 3 o'clock in the morning, and when the Government proposed to put it down for the Saturday Sitting, or to put down any other Business, they would then probably meet with the persistent opposition of the noble Lord and his Friends. The result would be that a considerable amount of time would be wasted in an unseemly dispute as to the despatch of Business. If the noble Marquess would challenge the opinion of the House—as he hoped he would—with regard to the Business for the morning, he believed it would be shown that there were a large majority in favour of the course proposed by the noble Marquess.

*Lord Randolph Churchill*

Mr. A. J. BALFOUR felt certain that if the noble Marquess could get hon. Members on his own side of the House to assist him in going on with the Bill, no Motion from that (the Conservative) side would be made for adjournment, so far as he could judge from the feeling of the House. Every assistance would be given to the Government; but they must understand, if they agreed to sit up until 3 or 4 o'clock in the morning, discussing the Employers' Liability Bill, they were not to be asked to meet again at 12 to discuss it once more.

Mr. J. W. PEASE hoped the noble Marquess would take the offer which had come from the other side of the House, and that they would now go on with the Employers' Liability Bill. If they made such progress as they were making up to 7 o'clock, they would probably get through in a short time. The clauses that were left were not, except one, of serious importance, and they would not require very long discussion. Therefore, he trusted the noble Lord would go on with the Bill.

LORD RANDOLPH CHURCHILL.  
Let us have it distinctly from him.

THE MARQUESS OF HARTINGTON said, that if the House would take up the consideration of the Bill, and go on with it for an hour or two, he would not ask them to meet in the morning.

Motion, by leave, *withdrawn*.

Bill considered in Committee.

(In the Committee.)

Clause 7 (Short title).

Mr. J. W. PEASE said, the clause gave the Bill a different title to that which it had been known all through the discussion, and he was afraid that would lead to confusion. Hon. Members constituents who had known the measure all through as the "Employers' Liability Bill" were unacquainted with "Workman's Compensation Act."

Mr. DODSON said, the suggestion was a good one; therefore, he would move in page 3, line 32, to leave out the words "Workman's Compensation," and insert "Employers' Liability."

Amendment agreed to; words substituted accordingly.

Clause, as amended, agreed to.



R. DODSON rose to move, in accordance with a promise he had given his hon. Member, the following new clause:—

Any sum payable under penalty to be deducted from compensation under Act.)  
There shall be deducted from any compensation awarded to any workman, or representative of a workman, or persons claiming by, or through a workman in respect of any action arising under this Act, any sum or part of a penalty which may have been paid in pursuance of any other Act of Parliament to such workman, representatives, or persons in respect of the same cause of action; where an action has been brought under this Act by any workman, or the representatives of a workman, or any persons claiming by, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action, such workman, representatives, or person shall not be entitled thereby to receive any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action."

The object of the clause, in simple words, was this—Under the Mines Regulation Act and the Factory Acts, workmen, in certain cases of accident, are entitled to receive compensation out of the penalties inflicted on the employers, and it was necessary to provide that workmen should not obtain compensation under one or other of those Acts and the present measure as well. Compensation was given under one or other of those Acts, but by this clause it could not be obtained under one of the others.

Clause agreed to, and added to the Bill.

R. ASSHETON CROSS said, that on behalf of his hon. and learned Friend the Member for West Staffordshire (Mr. Staveley Hill), he had to state that in consequence of what had fallen from the hon. and learned Gentleman the Attorney General—namely, that the clause relating to Railway Companies would probably be amended, and certainly would be brought up on Report, his hon. and learned Friend would not bring up the time of the Committee with an Amendment now, but would wait and see what was the proposition of the Member for Bristol (Mr. S. Morley) on the Government suggestions in the matter, and postpone any action he might take on the subject until Report, reserving full right to raise the question at that time.

THE ATTORNEY GENERAL (Sir HENRY JAMES) (for the hon. and learned Member for West Staffordshire (Mr. Staveley Hill)), moved, in page 3, after Clause 6, to insert the following Clause:—

(7.) "This Act shall not come into operation until the first day of January, one thousand eight hundred and eighty-one, which date is in this Act referred to as the commencement of this Act."

Clause agreed to, and added to the Bill.

MR. GORST (for the hon. Member for Greenwich (Baron Henry de Worms)), moved in page 3, after Clause 6, to insert the following Clause:—

(Act to extend to workmen in Royal Arsenal at Woolwich and in Her Majesty's dockyards and victualling yards.)

"Subject to the provisions hereinafter contained, this Act shall apply to every workman not being a member of Her Majesty's regular Forces within the meaning of 'The Army Discipline and Regulation Act, 1879,' not being in or belonging to Her Majesty's Navy, and borne on the books of any one of Her Majesty's ships in commission, nor being a person serving in an established capacity in the permanent Civil Service of the State, employed in the Royal Arsenal at Woolwich, or in any of Her Majesty's dockyards or victualling yards, or under any Department of the State; and such workman, or, in case the injury results in death, the legal personal representatives of such workman, and in Scotland, any person entitled in case of death shall have all and the same remedies and rights of compensation as are by this Act given to and conferred upon workmen in the employment of private persons, and such remedies and rights may be enforced by action brought against the Commissioners of the Treasury, and the said Commissioners shall pay any amount so recovered, and the costs and charges of the proceedings in which such amounts are recovered, out of the moneys voted by Parliament to defray the ordinary costs and charges of the Departments in which such workman shall have been employed."

The hon. and learned Member said, he had not moved the clause in the form in which Notice was given, because in that form it could not be put from the Chair. Of course, he was quite aware that, in its present shape, the clause was inoperative; but it was the only shape in which a private Member could propose it. Workmen employed in the Government Establishments were on the same footing with those employed by the great Railway Companies or other large employers of labour; and that being so, he could not see why the Admiralty and the War Office should not be liable to pay the same compensation in cases of accident as persons carrying on other great industrial undertakings. He need hardly



say that in the dangerous employments in Dockyards accidents were extremely frequent. Loss of fingers or hands, and mutilation in various ways, were very common; and he was sorry to say deaths from accidents in the Yard were by no means uncommon. In cases of mutilation, or loss of life, at the present time, neither the persons injured, nor the representatives of the person killed, had any legal claim against the War Office or the Admiralty; but both the War Office and the Admiralty were accustomed to make grants of what were called "compassionate allowances." He could appeal to his right hon. Friend the Member for Westminster (Mr. W. H. Smith) to say whether the granting of that compassionate allowance was not a matter of considerable difficulty and embarrassment. The First Lord had to fulfil the function of Judge, and determine whether the accident was caused by the man's own fault or not. They had to assess the amount of injury sustained, and it was impossible to give satisfaction to the persons injured, or the representatives of the person killed. It would be much better to have the matter settled by a judicial officer. The grants would be dispensed with more equity and more satisfaction, both to the Government and to the persons interested. The person injured could not complain of the stinginess or hard-heartedness of the Government in the matter. The Government would pay what was legally due, neither more or less. No person would be able to complain that the amount was too little, or that his claim had not been fairly considered. The object of the clause was to put the Government workmen on the same footing with others in similar employment not under Government, and he could not see how Her Majesty's Government could make objection to the clause. They had imposed by their Bill certain legal liabilities upon Railway Companies and other employers of labour, and they could not very consistently refuse in their own case that which they considered fair in the case of other employers of labour.

THE CHAIRMAN: I must call the attention of the Committee to the circumstances of this clause. The clause has been altered since the morning, and altered in a way, I have no doubt, which the hon. and learned Member for Chatham (Mr. Gorst) believes removes some of the

objections to its being put to the Committee. The difficulty I pointed out to the hon. Gentleman who consulted me was that the Motion was in a form which it could not be brought before the Committee. The reasons were twofold. In the first place, the Committee has not the power to deal with any right of the Crown without the sanction of the Minister of the Crown. The clause in the Paper this morning was a direct charge on public taxation. That also could not be moved by an independent Member. So far as I can judge of the new form of the clause, the original objection remains. The rights of the Crown would still be infringed by the new clause. Under those circumstances, I do not think the Committee has power to discuss or to vote on the clause. Apart from the question of whether it is competent for this Committee to impose public taxation the charges for any results of actions brought in these cases after consultation with the Law Officers of the House, I do not consider the Committee can consider the clause in its present form, unless moved by a responsible Minister of the Crown.

MR. W. H. SMITH hoped the Government would take the clause into consideration. It would be utterly impossible to maintain a distinction between workmen employed in the Dockyards and those under private firms. He was convinced also there would be great advantage in having the compensation awarded on some settled basis such as that suggested. There was no doubt whatever that accidents must arise in the conduct of very large works such as have been described. The mode in which these cases had been met was to make a grant from time to time for compensation, and those grants had been given very liberally by the Treasury; but there was not compensation by right. He could not see how the distinction could be maintained between the position of large bodies of men engaged in the Dockyards and other bodies of men engaged in the same work carried on by contract outside the Dockyards.

SIR H. DRUMMOND WOLFF, representing a borough containing one of the largest Dockyards, claimed to say a few words in support of the clause. Within the last few months, he had had his attention drawn to a case of injury

*Mr. Gorst*

by a man at Portsmouth Dock-  
the course of his business, so  
was unable to work. Although  
was met by an allowance for  
ation, still it was always a  
f doubt and uncertainty as to  
unt, and of great delay before  
ceived. He did not make that  
of complaint against the Go-  
t; but there would be cause of  
t if the existing distinction was  
up. Although the clause could  
ormally put, he hoped the Go-  
t would not take advantage of  
t, on Report, would bring up a  
carry out the object his hon.  
ned Friend had in view. It  
ly be an act of justice to the  
employed in the Dockyards.

ODSON said, he was not sur-  
the anxiety expressed upon this  
y hon. Members who were con-  
with the Dockyards. It was only  
and very proper that they  
udy the interests of those whom  
esented. But he must remind  
nittee, and he must also remind  
hon. Friend the Member for  
ster (Mr. W. H. Smith), that  
he only dealt with Established  
not with men who were not on  
olishment; and, with regard to  
on the Establishment, he did  
k they would feel inclined to  
the position they at present  
in order that they might be  
under the operation of the Bill.  
not speak without some know-  
that subject. He believed that  
len to his lot to be the author of  
sury Minute which settled the  
ns between Established and  
blished men; and he was not  
to say now, even in the in-  
non-Established men, that it  
to their advantage that their  
should be changed to the posi-  
workmen under the Bill. He  
only not prepared to enter into  
rtaking on the part of the Go-  
that anything would be done  
esent Bill to change their posi-  
any alteration were to be made  
could only be after a careful  
and he could hold out no under-  
at any attempt would be made in  
nt Bill to deal with the matter.  
CHAIRMAN: I must really  
to the Committee that this is a  
gular discussion.

LORD RANDOLPH CHURCHILL  
said, he was not desirous of continuing  
the discussion, but wished in a few words  
to offer a suggestion—namely, that it  
should be made competent for his hon.  
and learned Friend (Mr. Gorst) to bring  
up the Amendment on the third reading.  
At present, it was impossible to move it,  
because the Royal Prerogative was con-  
cerned; but, if the Bill were re-com-  
mitted at a subsequent stage, the dis-  
cussion might be raised, and he appre-  
hended that that was a course which the  
Government would not object to.

Clause, by leave, *withdrawn*.

MR. J. W. PEASE moved the follow-  
ing Clause:—

(Provision regarding mutual assurance societies  
or funds on behalf of workmen.)

“An action for the recovery under this Act  
for compensation for an injury shall not be  
maintained against any employer who shall  
have contributed to a mutual assurance society  
or fund on behalf of any workman so injured,  
and otherwise entitled to compensation: Pro-  
vided, That the conditions of insurance and the  
rules of the mutual assurance society or fund  
have been certified by the Registrar of Friendly  
Societies for the time being.

Previously to such certificate being granted,  
the said Registrar shall satisfy himself—

That the employer has agreed to pay at  
least thirty per centum of the insurance  
premium;

That the scheme of assurance submitted to  
him has been approved by an actuary of  
standing;

That there is a reasonable probability that  
the sum to be paid in case of death or  
injury by such assurance society or fund  
will in the aggregate be fully equal to  
the sum which would be payable as com-  
pensation under this Act:

Provided always, That should the amount or  
periodical payments, as the case may be, insured  
by such society or fund not be paid in accord-  
ance with the rules so certified by the Secretary  
of State, the workman so injured may maintain  
an action for compensation under this Act.”

The hon. Member said, he was afraid  
that he should have to ask for the in-  
dulgence of the Committee even at that  
late hour—half-past 1 o'clock—as the  
subject with which the clause dealt was  
the very important one of insurance.  
He wished to amend the clause as it  
stood in his name on the Paper. The  
last line but one said—“rules so certi-  
fied by the Secretary of State.” It  
should read—“said Registrar” in-  
stead of “Secretary of State;” and  
in regard to another portion of the  
clause after the words—“approved by

an actuary of standing," he desired to insert the words—"in accordance with Clause 11, s. 5, 38 & 39 *Viet. c. 60*" (the Friendly Societies Act). That clause was one which directed that when annuities were paid by Friendly Societies the tables should be approved by an actuary appointed by the Treasury, or by an actuary employed by the Commissioners for the Reduction of the National Debt. He desired to take the question of insurance a little out of the groove they had been following in the course of the discussion of the Bill. It appeared to him that they had been confining the discussion far too much to the employer and the employed. They should say not what was good for the employer, or what was good for the employed, but what was good for both, and good for the country generally. An attempt had been previously made to raise the question as long ago as 1847 by the right hon. Gentleman in the Chair, in a Report in which it was suggested that a tax of  $\frac{1}{2}$ d. per ton should be levied upon the coal owners for an insurance, provident, and an education tax. The hon. Member for North Staffordshire (Mr. Craig) said that the amount of an employer's liability might be met by a liability of £283 in respect of every 1,000 men. The hon. Member was wrong in his calculations, because he (Mr. Pease) found that, in Northumberland, the liability would be £690 per annum for every 1,000 men, to make an available fund for insurance; and in Lancashire and Cheshire, £920 per annum for every 1,000 men, so that it was not a light task that insurance would involve. The great object was not to provide for those accidents which were occasioned by the negligence of the vice-master as he was called, but to provide for all accidents that might happen to those unfortunate men who were killed or injured in dangerous employments, or in connection with the manufactures of the country. In looking through the last reports of the Registrar General, he found there were something like 13,000 men killed annually in connection with the various industries of the Kingdom. There were about 1,077 on railways; 998 in coal mines; 78 in metallic mines; 4,797 in mechanical industries; 1,741 in chemical works; 4,540 by asphyxia—not miners or on railways—and 435 by violence. These were very large

*Mr. J. W. Pease*

figures; but he did not think that were figures which could not be dealt with by the steady progress of insurance principles. The Bill provided compensation for those who were injured, and also for the representatives of those who were killed by the negligence of others; but it was replete with law from one end to the other. They had, for instance, to discuss who was the vice-master. That was a legal question. They had to discuss question after question in which legal points were involved; and what he feared was, that when they came to decide what were cases of negligence and to consider the legal bearings of the numerous questions, so much of what ought to go to the working-man would be eaten up by law that the provision made for him by the Bill would be found to be nearly worthless. If they abolished the law of common employment, they would still only provide for a small proportion of cases. What was wanted most in the country was to provide for the whole of the accidents, and the largest proportion of injuries and deaths were not provided for by this law, nor would they be provided for by any contemplated change of the law. To show how the legal actions might run, he would mention a few facts which he had obtained. He had a list of 111 men killed in succession on one of the largest railways, and in nearly every case it would be held that there was contributory negligence. The list included a man left repairing an engine by himself; a guard riding on the brake and crushed between two waggons and the platform of a goods warehouse; a platelayer who stepped in front of a train; a goods guard who fell and was run over; a fireman who fell from the engine; and a signalman killed by an express train on leaving his cabin to cross a line. In these cases the accidents resulted in death; but they afforded good examples of other cases which were not followed by death. Insurance would provide for all accidents and a small payment from each individual would provide a fair amount of compensation for the whole of the workmen injured, and the representatives of those killed while engaged in these dangerous occupations. The insurance system had taken very great hold in the coal trade and also upon the large railways. In a paper which had been c

was stated that there were 17,000 men in the coal trade insured, and the insurance was now maintaining 728 widows and children, in addition to 19,894 disablement. In these cases the objects of the relief were, by the men themselves, entirely in the poor-house. He was anxious that by the Bill that was possible should be fostered habits of providence in men and relieve the rates, and do for all. In this system of the men had been assisted by employers, who had contributed to the insurance funds last year amounting to between £7,000 and £10,000. In the Northumberland and Durham district alone, £5,000 was contributed in this way by the employers. It was certainly a greater expense to the employers than would be thrown upon them by the present Bill. His own view was that was stated by his hon. Member for Glamorganshire (Mr. Jesse Vivian) was under the impression that a very small portion of the cost would come under the Bill. He was sure would, consequently, prove a disappointment to the working men when they found that the doctrine of contributory negligence would prevent them and the benefits designed conferred by the Bill. It was a great probability that when passed, would work to the benefit of the provident societies. The hon. Member naturally said that the law already made provision for them. He would say—"The law will take care of me. I come under Mr. Dodderidge, and I shall be taken care of." He still more apprehensive that there would be an inducement to the employers to step back from the insurance, and say—"I will no longer subscribe to these funds which cost me more than I should have to pay for the accidents that actually occurred for which I have become liable under this new legislation." He wished to unnecessarily detain the Committee; but he would not like to make his observations without reference to the recent colliery explosion at Risca. If an explosion of the same kind had taken place in Northumberland, Durham, or Lancashire, or in the whole of those injured, or

the relatives of those killed would have been provided for; they would have come upon their insurance fund, instead of going to the Mansion House or the mayor of the locality, as had been the case in Wales. According to the scale of the insurance societies, the explosion at Risca would have cost between £14,000 and £15,000. That sum would provide 5s. per week for each widow, who would receive it, on an average, for 10 years; 2s. per week for each child for six years; and £5 for the funeral expenses of those who were killed. If accidents such as that at Risca were to come within the scope of the present Bill, there immediately came the question, were the men killed through the negligence of the master, or were they guilty by their own contributory negligence? If there was contributory negligence on the part of the men, the Bill left them perfectly unprovided for; but if there was a doubt about it, there would, in all probability, be a law suit for, say, the sum of £15,000. The result of the action might beggar a poor colliery proprietor; and supposing the men gained the day, it would be found that when the £15,000 came to be divided between lawyers and clients, the lawyers would get by far the larger share of it; but if the master won, the widows were unprovided for. It was most desirable that this system of insurance should be carried out to the greatest possible extent. He would like to provide that the sum paid to a man for injury through the insurance fund would be equal to that which he could possibly derive under this Bill, and that insurance should be a bar to action. He thought he was right in saying that under Lord Campbell's Act, insurance was practically a bar to action under certain circumstances. [Sir HENRY JACKSON: No, no!] The hon. and learned Member for Coventry said "No, no!" Whether that was so or not, he (Mr. J. W. Pease) was afraid that if they did away with insurance, they would flood their workhouses. He would be told that the Bill did not prevent any man insuring, and that his plan was totally voluntary. Every plan of insurance, if successful, would necessarily have to be voluntary; but by far the best plan would be one which would be a bar to action. He thought he had devised that bar in the scheme which he had laid before the Committee. It was

true that a workman might contract himself out of the Act, and that he might do that without insurance, or by entering an insurance club which was not registered. He (Mr. J. W. Pease) provided that insurance was not to be a bar to action, unless the club was registered. Looking through the Friendly Societies Act, he found it provided everything that was necessary in the way of reports, and investment of accounts, and so forth, so that any workman might be perfectly sure that he was subscribing or putting his money into an association out of which he would get proper and suitable relief when he needed it. He was afraid that if some such clause as his were not added to the Bill, if the Bill were allowed to go forward without a provision that insurance was to be a bar to action, it would, as he had already stated, do a great deal of harm to that which was now doing a great deal of good. If the Legislature in this case refused to acknowledge the principle of insurance in any way, the effect would be most disastrous. He would conclude by moving the new clause.

New Clause (Provision regarding mutual assurance societies or funds on behalf of workmen).—(Mr. Pease).—*brought up*, and read the first time.

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MR. D. GRANT said, that anyone who had listened to the debates upon that question, must have been considerably impressed with the large amount of labour and thought that had been bestowed upon the question at issue. They had now approached a subject which, he believed, to be of the very greatest interest to the working classes. He would endeavour to show why it was so. If the Bill passed in its present form, it would simply have the effect of encouraging litigation in the fullest sense they could conceive. Anybody who knew what were the conditions which surrounded the ordinary life of the working man, must know that that would be so. The working man stood comparatively alone; whereas capital was powerful and could, in case of dispute, proceed from one Court to another, beating the working man by mere force of wealth. If the Bill they were now discussing was passed in its present

form, the Committee would clear how utterly unfairly, in the great majority of cases, would the law operate far as the working classes were concerned. He was told that the Royal Companies intended, if the Bill became law, to separate themselves from existing arrangements, by which they had now a direct object in maintaining for the relief of men who were injured in their employ. He told that they intended to take stand upon the point of law, and the case out to the bitter end. If a course were to be adopted by a leading companies and large employers of labour in the country, it was that the immediate effect of the Bill would be to place the working man in a very great and serious disadvantage—a large proportion—in fact, the greater part—of the working-class population of the country were not connected definitely with the industries which had been frequently alluded to in the debates on the Bill. In the Metropolis, for instance, there were 4,000,000 or 5,000,000 people, but there was no distinct industry carried on by those people; there was no one industry which would give them reason to say, "This industry needs special legislation." And yet a great mass of the working classes in the Metropolis were as much entitled to special legislation as those classes whose interests were so well and ably advocated by some hon. Gentlemen in that House. They were, therefore, entitled to ascertain whether a system of insurance would, or would not, work in the interests of the working men. He believed they would decidedly work in their favour. The hon. Member for Morpeth (Mr. Burt), whose judgment upon such matters was of the greatest value, owing to his association with one of the leading industries in the country, told them that the Bill would be quite useless, because the men themselves had already worked out a system of insurance. He (Mr. Grant) agreed that the masters ought to contribute towards the fund. He had heard masters in the House say they objected to the system of insurance because it would impose burdens upon them. He believed, on the contrary, that the system would be a means of bridging over those differences which existed between capital and labour.

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ble the men to become associated with the masters, and one could hardly men would benefit from association. Could they have any other object, at the present time, the object to do was to adopt a course which would bind capital and labour together, yet, the Bill would not do the first part of the measure—it was like war to the knife. The men would not round and fight the masters, the masters would turn round and fight the men. A principle of antagonism would be developed; and, therefore, he was not in favour of the proposal now made. If it were accepted, the effect would be to divide and work out the principle of insurance, and the Bill, then, without injury to anyone, would do good on both sides.

MR. BROADHURST said, he would not have the Government not to accede to the proposal. The matter had been discussed more than any other phase of the Bill, and numerous conferences had taken place with regard to it—conferences in which all the recognized trades of the Kingdom were represented, including the mining and railway interests, the cotton and the textile trades. In fact, they had had a numerous discussion of any proposal to incorporate a system of assurance, because it was absolutely foreign in every particular to the measure under debate. The workmen, had nothing whatever to say against insurance in the abstract, but they did say that it was not for the employers to seek, but for the workmen to demand, a system of mutual assurance between themselves and their workmen, to evade and proper liability for accidents through their negligence or bad management. The hon. Member for Durham (Mr. Pease) had gone into a very interesting and able statement of the matter. Most hon. Members of the House, he was sure, were well posted on the hon. Member's view of the matter, and for the employers had liberally furnished them with literature and figures, and even taken them to an enormous extent, but he did not think they had any case or title to have assurance incorporated in the new Act. The hon. Member who proposed the clause was great point of saying that the measure of insurance would be a voluntary one. If it was to be a voluntary measure, why should they ask for its

incorporation in the Bill. They were at perfect liberty now to recognize the voluntary system of assurance; in fact, the hon. Member for South Durham had shown them that they had the power, and, not only that, but had actually put the power into practice—had shown it by quoting the great and good work which the societies in his own county, and in Northumberland and Lancashire, had done through this voluntary system of assurance. Now, no doubt, he would miss many important points; but he was especially anxious not to detain the Committee at that unreasonable hour in discussing uninteresting points and details. The hon. Member for Marylebone (Mr. D. Grant) had stated—as had been stated a hundred times in the course of this debate, although those statements, he (Mr. Broadhurst) contended, were altogether wide of the mark—that if the Bill were passed without a system of assurance there would be constant warfare between employer and workmen. He did not for a moment believe that the measure would promote anything at all of the kind; and had he any idea that it would do so, he should not be so strong an advocate of the measure as he was. The fact was, that very few of the accidents that occurred to the workmen in the course of their employment would come under the operation of this Bill at all. The Bill was so guarded in the interest of the employer that, if it was passed, the workman would have the greatest difficulty in establishing his claim to compensation. By far the largest number of accidents that occurred both on railways and in mines, and in all other industries, were accidents of a nature for which the workman had never yet asked Parliament to make employers liable. It was only in comparatively few cases that there was evident and gross neglect on the part of the management. It was not so much compensation that the men were asking for as that Parliament should pass a law to make employers liable for gross neglect, in order that they would be much more careful in the future in the conduct of their works than they had been in the past. His firm belief was that the result of the Bill would be to bring about much greater care and caution on the part of the employers than they hitherto exercised in their different sections of industry. He sincerely trusted that the

true that a workman might contract himself out of the Act, and that he might do that without insurance, or by entering an insurance club which was not registered. He (Mr. J. W. Pease) provided that insurance was not to be a bar to action, unless the club was registered. Looking through the Friendly Societies Act, he found it provided everything that was necessary in the way of reports, and investment of accounts, and so forth, so that any workman might be perfectly sure that he was subscribing or putting his money into an association out of which he would get proper and suitable relief when he needed it. He was afraid that if some such clause as his were not added to the Bill, if the Bill were allowed to go forward without a provision that insurance was to be a bar to action, it would, as he had already stated, do a great deal of harm to that which was now doing a great deal of good. If the Legislature in this case refused to acknowledge the principle of insurance in any way, the effect would be most disastrous. He would conclude by moving the new clause.

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form, the Committee would clearly show utterly unfairly, in the great majority of cases, would the law operate, far as the working classes were concerned. He was told that the Railway Companies intended, if the Bill became law, to separate themselves from the existing arrangements, by which they contributed largely towards the fund which they had now a direct object in maintaining for the relief of men who were injured in their employ. He was told that they intended to take the stand upon the point of law, and fight the case out to the bitter end. If such a course were to be adopted by all the leading companies and large employers of labour in the country, it was clear that the immediate effect of the Bill would be to place the working man at a very great and serious disadvantage. A large proportion—in fact, the great bulk—of the working-class population of the country were not connected definitely with the industries which had been frequently alluded to in the debates upon the Bill. In the Metropolis, for instance, there were 4,000,000 or 5,000,000 people, but there was no distinct industry carried on by those people; there was no one industry which would give them reason to say, "This industry needs special legislation." And yet the great mass of the working classes in the Metropolis were as much entitled to legislation as those classes whose interests were so well and ably advocated by some hon. Gentlemen in that House. They were, therefore, entitled to ascertain whether a system of insurance would, or would not, work in the interest of the working men. He believed it would decidedly work in their favour. The hon. Member for Morpeth (Mr. Burt), whose judgment upon such matters was of the greatest value, owing to his association with one of the large industries in the country, told them that the Bill would be quite useless, because the men themselves had already worked out a system of insurance. He (Mr. Grant) agreed that the masters ought to contribute towards the fund. He had heard masters in the House say that they objected to the system of insurance because it would impose burdens upon them. He believed, on the contrary, that the system would be a means of bridging over those differences which existed between capital and labour.

*Mr. J. W. Pease*

to the Bill, he still said that as right in that direction would be in this. It ought to be the end of the Committee, instead of to frustrate the plan of those who are trying to benefit all parties, to cate in the minds of the workmen the principle of self-reliance; that opportunity of advancing principle, instead of putting a bar to that which, after all, was the thing the workman could look to for permanent and real help. If these accidents provided for in might be caused by the negligence of someone also employed, for the employer was not liable; but the system of insurance was adopted, they would provide for all accidents which might occur, from whatever cause. The Government would con- sider the proposal. He knew that hon. Members, before this Bill was a reality, and before there was of it in their minds, were only to be called on to pay 30 per cent even to meet their workmen, in carrying out that principle. The Member for Stoke (Mr. Broadhurst) argued as if the two were not, re, engaged in the same employment that it was only the workmen who suffered when an accident of this kind occurred. But it fell as heavily upon the employer, not in his person, but in the losses; and if that principle of compensation was carried too far, it would stop what ought to be the real thing—that vast amount of public

MR. BURT joined with the hon. Member for Stoke (Mr. Broadhurst) in saying to the Government not to accept the proposal of his hon. Friend (Mr. W. Pease). He was very strongly in favour of insurance, and he knew how much his hon. Friend the Member for Durham had supported the Northumberland and Durham Miners' Provident Fund, which had done so much and which was a model for other districts to imitate. His hon. Friend had referred to the unfortunate accident at Risca, and said that if a system similar to that provided in the North of England, there would have been no necessity to make an appeal for compensation throughout the country. But he would remind his hon. Friend of a fact which he was well aware, that the

Northumberland and Durham Miners' Provident Fund was a purely voluntary association, and the miners of South Wales had exactly the same opportunities of forming similar institutions for themselves. The hon. Gentleman who, a short time ago, addressed the Committee (Mr. D. Grant), in referring to a speech made by him (Mr. Burt) in Northumberland, had unintentionally, he was sure, somewhat misrepresented what he said. He did say that, so far as Northumberland was concerned, that Bill would not have any very great effect, and to that he would adhere; but that was entirely different from saying it would have no effect in other districts. In Northumberland they had accidents, unfortunately, but very few arose from negligence of officials or negligence of managers; therefore, uncommonly few cases would come under the operation of a Bill of that kind. Reference had been made by the hon. Member for West Cumberland (Mr. Percy Wyndham) to statements made by Mr. Bryson. He found Mr. Bryson frequently quoted in the House, and a great deal of pains was taken, and some money was expended also, in making Members of the House familiar with the views he entertained on the subject. Mr. Bryson was a very capable and intelligent man, and he (Mr. Burt) had no wish to detract from what he said; but he wanted what he said to be judged on its own merits. He was president of an association of which he (Mr. Burt) had been secretary for 15 years, and was so still. Mr. Bryson, in his speech, was not speaking for the Northumberland and Durham miners, but was simply expressing his own views. He (Mr. Burt) had presented a great number of Petitions from the miners of Northumberland and Durham in favour of the Bill; and at a meeting of from 40,000 to 50,000 miners of Durham, which he addressed a few days ago, resolutions were unanimously adopted in favour of this Bill and against the embodiment therein of this insurance clause. He thought that, so far as that went, it was a conclusive expression of opinion against the insertion of the clause.

MR. THOROLD ROGERS congratulated the Committee upon the different spirit with which the proposal was approached now from that with which it was received the first time. On that



Government would not agree to anything in the nature of the proposal of the hon. Member for South Durham. The hon. Member said it was to be a voluntary system of assurance; but he knew perfectly well, as all other hon. Members knew perfectly well, that they had now their voluntary system of assurance. That they could continue and develop as much as they liked. But if there was an assurance clause in that Act of Parliament when it was passed, the employer would go to the workman—he did not say that this would occur—but it would be in the power of the unscrupulous employers, of whom he knew there were none in the Committee, to take the Act and shake it in the face of their workmen and say, "Parliament has given you authority to establish a system of assurance." And they could in that way terrorize over and intimidate the workmen into joining a society which might not be for their great and lasting benefit. He trusted the Committee would pardon him for having spoken so long. There were many phases of the question which he should have liked to have placed before the consideration of the Committee had the discussion taken place at some earlier hour of the day.

SIR WILLIAM PALLISER said, it seemed to him that hon. Members who advocated assurance as an alternative or modification of the Bill lost sight of the true object to be obtained by the measure. It seemed to him the object of the Bill was not to inflict fines or penalties upon employers of labour, nor even to fully indemnify workmen for injuries received. The true purpose of the Bill was to render it worth the while, from a pecuniary point of view, of the employer to take every possible precaution to prevent accidents from taking place. He believed the result of the measure would be to diminish accidents to a very remarkable extent. In a word, he would say that the Bill was a preventive; but that assurance, at the best, was but an indifferent palliative.

MR. PERCY WYNDHAM said, the hon. Member for Wigan (Mr. Knowles), who occupied a representative position on that question, was, unfortunately, not present; and the hon. Member for North Staffordshire (Mr. Craig) had left the House, under the impression that

the debate was not to come on; therefore, he trusted that this discussion would be raised again on Report. It could not be adequately considered now. The hon. Member who had just sat down had drawn attention to the fact that the Bill, as it stood, would leave a great number of accidents to which workmen were subject unprovided for. Well, the effect of the proposal of the hon. Member for South Durham (Mr. J. W. Pease) would be to bring all those accidents under the provisions of the Bill; and he thought must be admitted that if they could secure all the advantages promised by the Bill, and, at the same time, increase the area of those advantages without doing anything to frustrate that spirit of self-reliance which had already done so much for the workmen of this country, it would be well. The right hon. Gentleman who had charge of the Bill had said, with reference to a recent proposal before the Committee, that he believed labourers in Her Majesty's Dockyards would be worse off than they were at present. He (Mr. Percy Wyndham) believed that would be the case with many workmen who were not in Her Majesty's Dockyards. Reference had been made, the other night, to the opinions of Mr. John Bryson—and he regretted that the hon. Member for Northamptonshire was not now in place. That hon. Member had said that Mr. Bryson being correctly informed of the purport of the Bill withdrew his opinions he had communicated. His conversations were very often misunderstood. Mr. Bryson had written his views in a long letter which he (Mr. Percy Wyndham) held in his hand. This gentleman feared that, under the Bill, workmen would lose the advantages they now possessed from the mutual co-operation between themselves and their employers when misfortune fell upon them. He did not wish to say anything that might seem like slight on the employers; but he was stating the truth when he said that at that moment, many of them were thoroughly frightened on this question. Here there was an opportunity of assuring them. The principle of assurance was a most valuable one. Hon. Members looked on it as likely to be a panacea for all the evils the working classes suffered from, especially for the great evil of pauperism. But, with-  
insisting on that question, which was

*Mr. Broadhurst*

if the Bill passed, would not be a mere dead letter which some members seemed to think. A real benefit had been made as to what was to happen in the case of the Railways. It was said that they would withdraw their subscriptions from the funds if the Bill passed. He thought there was no foundation for the opinion, and, if such a thing did happen, the men would find it better to go to other employment where they could obtain more protection. It certainly appeared to him that, under the new system, workpeople would not get more for their due, and he did not think it was to the disadvantage of the Bill to adopt it.

A MEMBER said, he had been a member more than one occasion of an inquiry in a coal mine, and he could give testimony to the value of the new system of insurance. Insurance was a fund which was immediately available in the event of an accident; if the Bill passed, the injured workmen's representatives might have to wait an indefinite time before they could benefit it proposed to confer upon them. In answer to a remark made by an hon. Gentleman opposite, he assured him that the utmost care was taken by the masters in all the mines he had seen to avoid accidents. In an accident did occur the fine levied on the employer was much heavier than in the case of a Member. Members had any idea of the effect that from personal knowledge, as a fact which he had had before him all through the discussion upon the Bill.

If hon. Members had had the same personal acquaintance with workmen in the collieries that he had had, they would give them full credit, notwithstanding the fact that they had to work in comparative darkness, and were always anxious to prevent accidents. In the districts with which he was acquainted, insurance did not exist, and if, when accidents did happen, the benevolence did not step into the shoes of the sufferers, it would be very cruel for them. He did not believe it would be so; but if the Bill were sincerely trusted that it would have the effect of checking the flow of sympathy and benevolence. The Bill, which had just occurred at the time, would have pressed much more upon the sufferers if it had not

been for public benevolence. Speaking from personal knowledge, he felt bound to express his belief that in certain collieries in South Wales, under the best management, it was impossible to prevent occasional accidents. The men were far from heedless of themselves, or their lives; but blowers of gas came off without warning, and accidents occurred. The men were accused of being so reckless as to open their lamps for the purpose of lighting their pipes when there were blowers of gas about; but that was not the result of his experience. When an accident occurred, it involved a very serious loss to the employer; and he thought that all classes would be only too glad if the Government would do something in the way of encouraging the adoption of a system of insurance by the colliers generally.

SIR HENRY JACKSON thought the alteration in the name of the Bill was exceedingly significant. It was now called "The Employers' Liability Bill." It was originally to be a Workman's Compensation Bill, and the difference between the two names exactly expressed the difference with which it was regarded. A Workman's Compensation Bill meant a Bill to secure for those who suffered from accident compensation; whereas an Employers' Liability Bill seemed to be a Bill with penal consequences upon the employers, in the hope of making them more careful hereafter. It was a Bill to provide compensation for the sufferers by bringing legal pressure to bear upon the employers. With that candour which distinguished him, his hon. Friend the Member for Stoke (Mr. Broadhurst) said that he did not want the pressure unless it was sanctioned by the law. He supposed the Government would follow the course they had adopted all through, and not accede to the clause. The wording of the clause was not perfect; but the principle of it was perfectly fair and clear, it being that facilities should be given for making this new burden tolerable to the employers. It was due to the employers to guard them against the possibility of being ruined in a night. It was not very likely to happen that they would be ruined in a night; but no one could foresee what would take place. But would not one of the effects of the Bill be that private ownership would cease? And if they did not get, as was stated by the hon. Member for South Durham (Mr.

occasion the hon. Member for South Durham (Mr. J. W. Pease) predicted the evil effect that would result to capital and labour from the adoption of the principle of the Bill at all. [Mr. J. W. PEASE explained that he had never said that.] He would accept the correction. But it was quite certain that he had never heard so much prediction in connection with a Bill as with this. So considerable had it been, that he honestly believed that if all the prophecies could be cut out, the debate would have been reduced to one-tenth of its present dimensions. However, he would not go into that, but simply refer, for a few moments, to the principle of the Bill. That principle was to reduce to a minimum the amount of preventible accidents; and the accidents which could be reduced by the operation of the Bill had nothing to do with those risks which ordinary insurance covered. It referred to accidents arising from inefficient control or direction; and most of the accidents from that cause were preventible. With regard to the very mine to which reference had been made—Risca—he was talking with a gentleman who, before going to India, was for some three years engineer in the district where the explosion occurred, and he expressed an opinion, from what he knew of the mine, that proper precautions would have prevented the accident. With regard to insurance, a homily had been read to the Committee as to the wisdom of encouraging prudential motives among the working classes. Nobody would commend that more willingly than himself; but it seemed to him that, by strictly defining the accidents which could be prevented, they developed still more the prudential element, because, by so doing, they guarded against those accidents for which the employer was, and should be, responsible. It was desirable to offer an encouragement to the efforts of the workmen themselves; but that those efforts should be made the policy of lessening the responsibility of the employer was an incongruity which he hoped the Government would not admit into the Bill.

Mr. LYULPH STANLEY said, he was quite sure that the hon. Member for South Durham (Mr. J. W. Pease) intended the clause to be fair to the workman. But, as he (Mr. Lyulph Stanley) interpreted it, it only contem-

plated insurance against accidents which the employer would be liable under this Bill. The clause was wider than that proposed by the hon. Member for Wigan (Mr. Knowlson) who proposed that the workmen should be insured against accidents of every kind, and the employers' liability to fund should be a third. But the clause of the hon. Member for South Durham would release the employer from all but 30 per cent of the cost of insurance against accidents coming under the operation of the Bill. As drawn, the clause seemed to him to apply only to insurances against risks arising from negligence, and so was not an adequate substitution for the liability under the Act.

Mr. J. K. CROSS said, he was surprised to hear that, if the Bill passed, there was a possibility of the subscription of the employers being withdrawn from the insurance funds. If he thought of himself as an employer himself, he should be heartily ashamed of the class to which he belonged. He believed that the workmen would simply secure to themselves the advantage which he thought they ought to have. He had not heard before of statistics which had been placed before the Committee by the hon. Member for South Durham (Mr. J. W. Pease); after listening to those statistics, he thought they were considering the matter too much from the colliery point of view. The accidents which occurred in collieries were only 1-12th of the total number of accidents. [An hon. MEMBER: Fatal accidents.] Yes, fatal accidents. The fatal accidents brought before the Committee related to a greater extent to mining operations than to any other kind of work. But what was to be done of the 11,000 other people who were killed? Were they to have no chance of compensation, unless they entered an insurance society? It was stated that some 4,700 persons were killed in the course of a year in the various mechanical trades. Those trades were spread all over the Kingdom, and it would be difficult to induce the men to enter into insurance societies. If the Bill passed, and the employers generally were able to prove to the men that insurances would give them more than they could gain under the Bill, the workmen were not such fools that they would fail to see their own interest and advantage, and subscribe. Insura-

*Mr. Thorold Rogers*

upon him by this Bill, if he had 30 per cent or any other rate amount to the insurance was not prepared on the part of the Government to accept the Amend-

NEWDEGATE said, he had with great attention to the right gentleman (Mr. Dodson), and to the effect of the eminent coalowner (Mr. W. Pease), who had proposed the establishment of a system of insurance which would work so well under the circumstances. What said the hon. Member (Mr. Dodson)? That nothing could be more advantageous than the system of insurance; that he would do nothing to assist the gentleman (Mr. J. W. Pease) in carrying the system. There would here must be, insurance.

COURTNEY said, that if they gave a division upon the question, he would like to explain very briefly why he had voted with the hon. Member (Mr. J. W. Pease). He understood the Bill, there was no objection to prevent any employer or contractor from contracting himself out of it. He would therefore, he made a condition of any mine, that the workman should not be entitled to have the remedy of the Bill; and, that that might be made a part of the system of insurance connected with the Bill. It might be said that this was quite unnecessary to put in the Bill any provision establishing a system of insurance; because, since the Bill gave perfect liberty of action to the employer and employed, a system of insurance could be devised by the parties, and they could make it a condition of the part of the workmen that they would come under the system and accept of the privileges of the Bill. He believed that that House or that Government would permit that. He did not think it to be contended by the opponents of the Bill that it was essential in all events, it was desirable, to impose upon the employers such a fine as would be paid to workmen as would make the system, both in the choice of their terms and in the condition of their contracts, machinery, and that it would be inconsistent with the principle of the Bill to allow owners to set aside the responsibility which the Bill said it imposed upon them; that they should be subjected

to. He had come to the conclusion that, as the Bill now stood, the power of contracting out of the Bill could not be sustained, if attempted to be put in practice. Well, then, the matter of insurance under the Bill became a practical question, and the reason why it appeared to him that the system of insurance deserved support was that it embodied in it the principle of a proportionate contribution on the part of the owner. Of course, the amount of that contribution would be open to discussion; but the principle was a just one, and, if adopted, would secure precisely what the Bill proposed to secure—namely, a fine to be imposed upon owners, so as to make them doubly cautious in the choice of their agents and in the conduct of their works. By securing from the employers adequate contributions to the fund, they carried out the principle of the Bill. But they did more than this. They secured, by the establishment of an assurance fund, a quality he missed in the Bill. They would give the workman an interest in keeping down the demands on the insurance funds, and would enlist him on the side of carefulness, besides sustaining in him a spirit of independence and self-reliance; because he would come for compensation to a fund to which he was a contributor, instead of coming to the employer for compensation. The proposal should therefore be adopted.

MR. J. W. PEASE said, he was very much indebted to the Committee for the kind manner in which they had debated the Amendment, and he must express the deep disappointment he felt at the way the Government were treating the matter. He thought they would live to regret it, if they lived for any length of time. He must ask leave to take the sense of the Committee on the Amendment.

Question put.

The Committee *divided*:—Ayes 28; Noes 68: Majority 40.—(Div. List, (No. 98.)

LORD RANDOLPH CHURCHILL said, the hon. Member for Wigan (Mr. Knowles), who was absent, had asked him to move this clause for him—

(Provision in case of insurance.)

“Provided, that where an employer shall have contributed one-third of the premium or subscription to any sufficient fund for providing

against personal or bodily injury in favour of a workman against accident of every kind in the course of his employment, and such workman, or his personal representatives in case the injury results in death, shall have received, or shall be entitled to receive out of such fund, or in respect of any penalty payable by such employer under any statute, a sum equal to the amount of compensation which he or they would be entitled to recover under this Act, such workman or his personal representatives shall not be entitled to issue any process for recovery of such compensation or to recover any costs of such action, unless such action shall, in the opinion of the Judge, have been necessary to fix or ascertain the amount of compensation, and any sum which such workman or his representatives shall have received, or be entitled to receive, out of such fund, or in respect of any penalty as aforesaid, which shall be less than the amount of compensation which he or his representatives shall be entitled to under this Act shall be a set-off pro tanto against such compensation, and it shall be lawful for any employer and workman to mutually contract for the insurance of such workman against such personal or bodily injury, and for such employer to deduct the proportion of premium payable by the workman in respect of such insurance from his wages. And, further, to mutually agree upon the amount of compensation to be paid to the workman for such bodily injury or to his representatives should the injury result in death."

The clause [was one very similar in principle to the one which had just been debated, and upon which the division had been taken: It might be deferred until the Report.

Clause, by leave, *withdrawn*.

SIR HENRY JACKSON said, he had a new clause to propose, to the effect that the Bill should not extend to coal and metalliferous mines. He was aware that the right hon. Gentleman who had charge of the Bill would not agree to the clause; but, at the same time, it had often been mooted, and hon. Members had frequently said that dangerous works, which were already the subject of legislation, should be kept out of the Bill, or made the subject of separate legislation. He must say that he concurred in that opinion. There were a great many details in connection with these coal and metalliferous mines that were regulated by statute, and a great deal of trouble would ensue if they were included in the Bill. His opinion was that the Government ought to accept the clause; but he knew the right hon. Gentleman would not; therefore, he would not put the Committee to the trouble of dividing. He would, however, ask the Chairman to put the Question to the Committee, in

*Lord Randolph Churchill*

order that it might be negatived and reported. He did not want it to be so that no one moved the clause.

New Clause (This Act shall not extend to any mines to which "The Land Mines Regulation Act, 1872," applies) — (Sir Henry Jackson,) — read a first time.

Question, "That the Clause be read a second time," put and *negatived*.

House resumed.

Bill reported, as amended, to be considered upon *Wednesday* next, and to be printed. [Bill 303.]

#### ASSAULTS ON YOUNG PERSONS BILL.

On Motion of Mr. HORWOOD, Bill to amend the Criminal Law as to Indecent Assaults on young persons, ordered to be brought in by Mr. HORWOOD and Colonel ALEXANDER.

Bill presented, and read the first time. [Bill 304.]

#### BASTARDY ORDERS BILL.

On Motion of Mr. HIBBERT, Bill to render invalid certain Orders in Bastardy, ordered to be brought in by Mr. HIBBERT and Mr. DODD.

Bill presented, and read the first time. [Bill 305.]

House adjourned at a quarter after 10 o'clock, till Monday next.

### HOUSE OF LORDS,

*Monday, 9th August, 1880.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Railway Construction Facilities Act (1880) Amendment \* (180); Drainage Boards (Ireland) Additional Powers \* (183); Spirit Licences (184); Metropolitan Board of Works (Monopoly) Bill (185); Lord Plunket's Indemnity \*. *Second Reading*—Committee negatived—Exchequer Bonds and Bills \*. *Report*—Artizans and Labourers Dwellings (Scotland) Provisional Order (Leith) \* (186). *Third Reading*—Inland Revenue \* (177), passed.

AFGHANISTAN — MILITARY OPERATIONS—THE LATEST TELEGRAM QUESTION.

THE DUKE OF SCOTLAND. Her Majesty's Government. There was any addition from India?

GRANVILLE: We have received the following telegram from the Ottoman Porte, dated 8th August, 1880:—

"From Griffin, 7th August:—'I have received the withdrawal to Gandamak of our troops, and the march of our troops to Ghazni will, I think, be now made with Ameer and without any opposition whatever. The news has necessarily caused much alarm, but we have counteracted it, and have received most friendly letters from the Ameer and Mahomed Jan.'"

Here is this further telegram—  
From Viceroy, 9th August, 1880.

White, Military Secretary to the Viceroy, has joined his regiment (92nd Highland) in the Division, reports magnanimously; could go anywhere."

ELLENBOROUGH asked, if the telegram had been received from the Viceroy of Khelat-i-Ghilzai?

GRANVILLE said, that that was the information obtained.

# PROPOSITION FOR DISTURBANCE (AND) BILL — THE ULSTER RIGHT.

## EXPLANATION.

EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, he would, on the leave of the House, read the letter, which he had received from the noble and learned Friend (Earl

Cromwell Houses, S.W., Aug. 6.

Lord Redesdale—In speaking on the Bill on Tuesday night, I referred to the introduction by Lord Portmouth of the Bill into the South of Ireland. I said this in consequence of what had been done on a 'small' scale, or on a large scale. I said this in consequence of what had been seen in the papers; but I learn from Lord Portmouth that it is not correct that the estate in question is one of 12,000 acres in extent. As I am to speak in the House next week, might I explain this by reading this note on

Believe me, yours faithfully,

"CAIRNS."

only to say, in addition, that the noble and learned Friend wished the Bill to be made public.

# —RUMOURED NAVAL DEMONSTRATION.

## QUESTION. OBSERVATIONS.

STANLEY OF ALDERLEY, Secretary of State for Foreign Affairs, Whether it is true that

Her Majesty's Government intend to take part in any naval demonstration against the Ottoman Porte, notwithstanding the general state of affairs in India and China?—said: My Lords, although the rumours respecting a naval demonstration against Turkey have been very persistent, yet it is difficult to believe that Her Majesty's Government have really decided on taking part in such an attempt to coerce the Ottoman Government—or, in other words, to endeavour to wrest from it for Greece large Provinces inhabited by a population which is not Greek, but which is principally composed of Albanians, Vlachs, and Mussulmans. Metzovo, one of the towns which has been recently mentioned as one that the Porte could not cede for strategical reasons, is the chief town of the Vlach population which inhabits the Pindus; and I would ask the noble Earl the Secretary of State for Foreign Affairs (Earl Granville), whenever he shall present Papers on this subject to the House, also to lay upon the Table the despatch or despatches of the late Sir Thomas Wyse, in 1854, which relate to the plundering of Metzovo by Theodore Grivas. The population of Metzovo is black, and their language is almost identical with that of the Wallachians of Roumania, and they have nothing in common with the Greeks. It is inconceivable, that after what has lately taken place in Bulgaria with respect to the attacks made on Mussulman villagers, and the outrages on their women, and the connivance of the Bulgarian Government in those outrages, and the utter inability of the European Governments or their Agents to punish or prevent such outrages, that the Government of Her Majesty should be asking, nay, if these rumours be true, requiring, the Ottoman Government to give up Mussulman populations to the tender mercies of the Greeks. Such demands are so extravagant, and so contrary to the rules and prescriptions of the Law of Nations, that they could only be made under the sanction and authority of some Treaty. Now, it is evident that the 24th Article of the Treaty of Berlin contains no such authorization; it does not go further than to authorize the European Governments mentioned in it to offer their mediation to facilitate negotiations. I, therefore, ask the noble Earl the Secre-



tary of State, what other Article of the Treaty of Berlin he can cite which would authorize such dictation to an independent Nation; or, by what rule several Powers can lawfully and justly combine to do that which would be a violation of the Law of Nations if done by one of them? We have, however, of late become accustomed to see so many sophistries, and such disregard of the Law of Nations, in the speeches and despatches of public men, that it may be more useful to ask Her Majesty's Government, whether they consider the present time opportune for breaking the Law of Nations, for coercing Turkey, as it is called, but for what would be re-commencing war, bloodshed, and famine in Southern Europe, and engaging this country in complications for which it is not prepared? What is the present state of India? That country has not recovered from famine; its finance is disordered by a large deficit; a large part of its Forces are entangled in military operations in a country from which they cannot withdraw; the unpopularity of these military operations has checked the recruiting for the Indian Forces. The contentment of all the Indian populations with the British Government has lately been impaired by several causes. First by the Famine, which has made the taxation to be felt more grievously by the cultivators; next, by several breaches of faith on the part of the Indian Government, such as the application to the expenses of the Afghan War of money proceeding from taxes avowedly imposed for the purpose of forming a Famine Fund; the delay in extending the perpetual Settlement which was promised in 1862; the delay in admitting a larger number of the Natives of India to Civil employment. Within a few days the leading journal has published an article implying that India is rather a burden to this country, and that it is one that this country may not always care to retain. This language becomes additionally mischievous when it is borne in mind that similar language has been, not long ago, uttered at a public meeting by a right hon. Gentleman now a Member of the Cabinet. Is this, then, a moment when it is safe to disregard the feelings of the leading population of India, and by engaging in a Quixotic expedition to the Adriatic or the Ægean, to risk a collision with

the Ottoman Empire, and by so do cast a firebrand into the midst of powder magazines upon which the Government of India is sitting? I now ask your Lordships to look at China. We know that Russia and China are on the brink of war, that the Russian Forces in Central Asia are equal to those of China, and that a mail brings news of additions to the Russian Naval and Military Forces in the Pacific; it is known that in the event of war Russia contemplates a blockade of the Chinese seaports, and that a blockade, whether effective or not, will most seriously interfere with our trade with China; that it might do more it might entirely interrupt it, and in the case inflict a deficit of £8,000,000 or £9,000,000 on the Indian Treasury. Is this, then, a time for sending British Forces to the Adriatic, and running the risk of having to send more to the same place? It is, perhaps, hardly necessary to say so far as India and China; for, if we are at home what do we see? The whole of the United Kingdom still suffering from bad harvests and depressed trade; the Army disorganized, or, if that is not a strong term, numerically so much reduced that it would be difficult to make large re-inforcements in a condition to take the field. The late Government were accused of following a gunpowder policy for the sake of British interests; but if the present Government do not take care, it will find itself engaged in a gunpowder policy for a false idea, in opposition to every British interest. I beg to ask the Question of whether we have given Notice.

EARL GRANVILLE: My Lord, I understand the Question, of which the noble Lord (Lord Stanley of Alderley) has given Notice, is prompted, in the first place, by a friendly feeling towards Turkey; and, secondly, by an exaggerated idea that Her Majesty's Government are likely to lead this country into the dangers attending a naval demonstration, notwithstanding the recent disaster in Afghanistan. I cannot concede to the noble Lord an exclusive monopoly of friendly feeling towards Turkey, although, at the same time, I cannot but take a different view of the position of that Empire from what the noble Friend does. I cannot help thinking that there cannot be a more ill-judged mode of demonstrating that friend-

*Lord Stanley of Alderley*

towards Turkey than to say or do at this moment which would offend the Sultan and his Government. I believe there was a want of agreement on the part of the Governments of Europe to insist on the fulfilment of the obligations which they entered into by the Treaty of Berlin. I believe it is the opinion of nearly all the Governments—certainly it is the opinion of all the leading Statesmen of Europe—and I believe that I can include the Marquess the late Secretary of State for Foreign Affairs (the Marquis of Salisbury)—that if Turkey remains the state she now is—if the long promised reforms are not carried out—Frontier questions are to complicate their present unsettled state, if the reforms of the Empire are to go on from worse, if oppression and anarchy remain unpunished, if no order for life and property prevail in Constantinople itself—we are at the end of the present state of Turkey. The view of Her Majesty's Government is to endeavour to effect such a change—to settle as far as possible the international Frontiers, and to promote such arrangements both in Europe and Asia as will prevent what will be most dangerous to Europe, but to Turkey. The concerted action of Europe has been, and is directed; and I am sure that I think it a friendly, and in a hostile, spirit to Turkey. I have heard from a very high authority in the House that it would be most desirable to establish the concert of Europe, and we have been told that if established, it would be most possible to maintain it. I do not wish to be blind to the difficulties around the six Great Powers for one and the same purpose. There are in this matter different principles, different interests, different considerations, and different views; but I hope and rely upon is, that there is one paramount interest, which will override the divergencies of opinion. I have seen in the newspapers—some English, sometimes Continental—concert of Europe being already proposed; but I prefer, instead of those reports, to look as much to facts as they exist. Your Lordships are aware that the Great

Powers of Europe unanimously agreed to send an Identical Note to the Porte demanding that the provisions of the Treaty of Berlin should be carried out; and your Lordships are also aware that, with regard to the question of the Greek Frontier, all the Powers of Europe were united in deciding to meet at Berlin for the purpose of coming to a common decision as to the line of Frontier which had been indicated at the Protocol of the Treaty negotiated at Berlin. Your Lordships are further aware that there they came to a unanimous decision to adopt the line proposed, and which all agreed to be a just and loyal carrying out of the line which had been indicated in that Protocol signed at that capital two years ago. They also agreed unanimously to present a Collective Note both to Turkey and to Greece, recommending them to adopt the course proposed; and the Powers are, at this moment, in intimate communication as to what steps should be taken since the reply has been received from the Porte—a reply which does not contain a refusal, but is of a dilatory character. Your Lordships are likewise aware that the Powers have also agreed, after various unanimous communications with the Porte, to send a Collective Note on the question of the Montenegrin Frontier. In that Note they say that delay is no longer possible, and that they believe the cession of the district which they define will be the most advantageous arrangement for all parties concerned. Accordingly, three weeks are given to the Porte to carry out the peaceable cession of the district under what is called the Corti arrangement; and the Powers further express their expectation that if that arrangement fails, the Porte will join the Powers in assisting the Prince of Montenegro to take possession of the Dulcigno district. My Lords, Mr. Goschen, who is placed in a most difficult position at Constantinople, and who, I am bound to say, has exhibited all that judgment, firmness, and conciliation which were expected of him by his late Colleagues, informs me that the Powers have almost completely agreed as to the demands which they think Europe should put forward as to the reforms to be made in Armenia. During these communications, Mr. Goschen has expressed perfect satisfaction as to the language and attitude of the Ambassadors of all the Powers.



Lord Edmond Fitzmaurice, who has shown great ability in representing this country on the International Commission appointed under the 28th Article of the Treaty of Berlin as to the reforms in the European Provinces of Turkey, speaks as to the cordial unanimity of the Delegates of the different Powers, and states that they have as nearly as possible completed every portion of their work. Perhaps your Lordships will allow me to add that, so far as I can judge in London with regard to the attitude and language of the Representatives of the six Powers since the time I entered the Foreign Office until this very day, the language of these Representatives has been constantly and perfectly consistent with the desire of their Governments to maintain what we believe to be so essential—the united concert of Europe; and they also hold what we hold, that it is impossible to believe that the decided will of united Europe can be set aside by the Porte. My noble Friend wishes to know whether we are going to take part in any naval demonstration; and he grounded his dread of it, or gave as one reason against it, the disaster which had recently happened to British troops in Afghanistan. Now, with regard to the naval demonstration, I decline to state what course Her Majesty's Government mean to pursue. Her Majesty's Government have come to the conclusion, as I have already mentioned, that it is impossible for Turkey to maintain resistance to the united opinion of Europe in matters on which it has a right to speak. In a matter like this they think it most unadvisable to make unnecessary announcements to the world of threats of the employment of force, and to do that which is of a minatory nature, and which adds no strength to the determination of the Government in that respect. With regard to the Montenegrin Frontier, such an announcement would be most inopportune, because it is not reasonable to expect that Turkey will refuse to do anything at once, or to completely carry out one of the two alternatives which have been proposed to her. The noble Lord has referred to the disaster in Afghanistan, in the terms on the Paper—"Notwithstanding the general state of affairs in India and China"—

LORD STANLEY OF ALDERLEY said, he had spoken of the general state

*Earl Granville*

of affairs in India, excluding all reference to military operations in Afghanistan.

EARL GRANVILLE: Excluding reference to the military operations in Afghanistan. Such an omission appears to me to weaken the force of the observations of the noble Lord that any bearing on Turkey. I can only say that any military check of that sort, however painful to our feelings, and however much we may deplore that it probably directly, or indirectly, owing to that under-rating of the force of our civilized foes which is so often found among the Armies of civilized nations, that is a matter which we put entirely aside in considering the course we ought to pursue in common with Europe in regard to Turkey. In regard to the feelings of the Indian community, which the noble Lord has alluded to, I believe that those populations are intelligent enough to be grateful to our country for the endeavours we are making to rescue large numbers of their fellow co-religionists by getting a better Government for them in Turkey than that which now exists. We have adopted with great care and consideration a policy which we thought best adapted to meet the end in view. The noble Lord seems to think that the Government are running into great danger. We are pretending to act as the sole police of Europe on the Eastern Question, and involves the other Powers as much as ourselves. On the other hand, we have determined not to shrink from responsibility, and from action, in connection with the other Powers, in order to prevent a catastrophe which we believe might end in a manner that would be most dangerous, and lead to the consequences which the noble Lord appears to apprehend—namely, the complications which it might create for our country.

LORD STRATHEDEN AND CAMPBELL: My noble Friend (Lord Stanley of Alderley) has done considerable service in putting a Question we should have had on Thursday last had it not been for the unexpected absence of my noble Friend (the Marquess of Salisbury). Having, for the last few weeks, been much employed upon the subject, I am bound to take the opportunity of testing, however briefly, against the naval demonstration as to Greece, wh

to have been contemplated. Nothing all that has just fallen from the noble Earl the Secretary of Foreign Affairs (Earl Granville) as we can judge, the project is abandoned. It seems to be positions which are just have been tried with results entirely unfavourable that they ought now to be in each other. We may hold on of the Hellenic Kingdom. We may concur in the King of Belgium, when he said, upon the subject. We have the line suggested at the Berlin to be desirable. We have some line more favourable views, such as has been requested. At the same time, we remember that no European concert can impose on one State against another, sacrifices to another State. A just and accurate comparison of the Law of Nations is not so tant than to accord to Greece what she may aim at. No war has occurred between Greece and Turkey, and exchange or purchase are the modes in which one ought to acquire territory from the other. If the Sultan of the Sublime Porte are willing to make an uncompensated sacrifice, of course, at liberty to do so. The Law of Powers can dictate to no larger sacrifice than, in their view, seems to be consistent with the interests of their Empire.

(IRELAND)—ASSISTED EMIGRATION.—OBSERVATIONS.

MR. L. OF DUNRAVEN, in rising to draw the attention of Her Majesty's Government to the subject of assisting emigration from certain districts in Ireland, said, though the matter had engaged the Government's attention incidentally on several occasions, he was now for the first time in discussion on other subjects. He thought the state of things in Ireland at the present moment was of such a character as to excuse him for bringing this important subject before the House. He did not think it was worth while to waste any time in attempting to prove that it was a fact that certain districts in Ireland were over-populated, and that there were no alternatives for that state of things but the removal of a portion of the surplus population to other parts of Ireland,

or its emigration to other countries. As regards the first, there was no possibility of migration from one part of Ireland to another, as it was not likely that any manufactures would spring up which would find employment for the population. He should, therefore, assume that the only practical way of relieving the over-populated districts was by emigration. If that was the case, it appeared to him, seeing that neither the people themselves nor their landlords could bear the whole expense of such a remedy, that on an exceptional occasion of this kind, when the people were suffering from exceptional distress, it came quite within the province of the Government to take the matter up. To make emigration as easy as possible, it was obvious that facilities should be afforded to whole families to emigrate, because it was hard enough for a man to give up the plot of ground to which for his whole life he had been attached; but it was harder still to leave his wife and family behind, until in another country he could earn money sufficient to send for them. Besides, it was not well, in the interests of the country, to have the bread-winners—the bone and sinew—go out of it, while the old and the women and children were left behind. Therefore, he thought that, in a case of this kind, every facility ought to be afforded to enable not only able-bodied men, but to enable fathers of families to emigrate with their wives and children. He thought, also, that emigration should, if possible, be directed to the British Colonies which required to be populated, rather than anywhere out of the Empire. If there were any strength to be obtained by increase of population, it was only right that our Colonies should have it, and not other nations. He further contended that when the emigration was to our Colonies the emigrants were generally successful, and a source of strength both to the Colonies and to the Empire. There was also another advantage—namely, that the people who went to the Colonies became thoroughly well-disposed towards British rule; whereas experience proved that when they went to the United States, they frequently retained great animosity towards this country. All other things being equal, he did not wish to enter into the question of the merits of one particular Colony over another; but he thought it was obvious

that the one which was nearest and could be reached cheapest, was the one which should be taken, if any system of State assistance of emigration was adopted. The nearest of our Colonies was Canada, and Canada afforded a great many advantages. In many parts there was a large quantity of prairie land that required no clearing whatever, besides which the Dominion, itself, would advance money to the emigrants, on the security of the land for tools and provisions for the first year. Terms were offered by the Canadian Government which were of a most liberal description. The Canadian Government gave to the head of a family a homestead grant of 160 acres, which they were allowed to choose where they liked; and at the end of three years, a Government Inspector looked over the land, and if the emigrant had made any improvement on it, if he had built himself a house and broken up the land, showing that he was a *bond fide* settler, the emigrant became absolutely entitled to the 160 acres, and at the same time had a prescriptive right to purchase another adjoining lot of 160 acres at 10s. per acre. Besides that, the Canadian Government had most excellent arrangements. They had a gentleman over here to take charge of emigrants, and they had a gentleman at Quebec to receive them and forward them to the land they were to occupy; so that the emigrant was conducted to the spot, and chose himself the spot where he wished to live. Prairie land was offered to the emigrants, and there was such a demand for labour in Canada at remunerative wages that the emigrants would want no help after a short time. The objections entertained to emigration by the Roman Catholic clergy, on the score of the evil influences under which the emigrants too often fell on being landed in New York, would vanish if the emigrants went to Canada. He thought nothing could be more liberal than the conduct of the Canadian Government, who, in fact, did everything but advance the money to the emigrants to go out with. It might be said that if the Canadian Government offered such advantages, what was the object of troubling this Parliament about it? But he confessed it appeared to him that the British Parliament ought to offer some assistance also. Many of the landlords

would now be very glad to assist tenants to emigrate, if they could, they had not the means. In some of the landlords might, no doubt, be willing to assist; and, in such cases assistance should be given by the State. He hoped that Her Majesty's Government might be able to see their way towards doing something, and he should like to see them appropriate a sufficient sum of money to enable some emigration scheme to be carried out in conjunction with the Canadian Government. If the Government were not prepared to do that, he hoped they would advance money to the owners of lands and Bona Fide Guardians to assist in emigrating, taking the security of the land in Canada for the re-payment of the loans. If they were not able to do that, it might be advanced through the Irish Bona Fide Guardians, on the same terms as advances were now made for the drainage of land. He knew that, inasmuch as emigration ought to be conducted in the spring, it would be too late for an extensive emigration that year; and, therefore, he did not ask Her Majesty's Government to make any definite reply at present; but he did hope that before this and next year they would give an attentive and favourable consideration to the subject.

VISCOUNT MONCK said, he joined most cordially in the appeal made by their Lordships by his noble Friend (the Earl of Dunraven), for he thought the subject was one which demanded the Lordships' and the Government's serious and earnest consideration. To a great extent, it was simply a question of political economy. They had in some districts of Ireland a redundant population, living normally on the verge of starvation, and liable to be reduced to an accident to a state of famine; whereas under the rule of the same Sovereign in Canada there were, practically, unlimited tracts of fertile land crying out for labour to cultivate it. It seemed to him that it would be betraying a great want of statesmanship, if they were not able to devise some effectual means of removing such a state of things, and bringing those two elements of prosperity together. He was by no means disposed to undervalue the principles of political economy. On the contrary, he believed that, like the laws of arithmetic or of gravitation, they would act with

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it or not; but there was a law which commanded man and multiply and to replenish. The second portion of that had been neglected. We had ravished the earth; and, in Ireland, congestion of a population had been a great misfortune. It was we ought to leave the redress of misfortunes to natural causes. The operation of natural causes, and pestilence were means by which nature redressed the evil of overpopulation. But we did not allow the operation of those natural causes to run its full extent, and that we should. We regretted that we were dealing not with human but with human nature, and we stepped in to save them. We did that, as we did interfere, to interfere with the root of the evil, and not merely with the symptoms. The true mode of proceeding was by removing the cause of the evil, and not by merely alleviating it. He believed that the only way of preventing a recurrence of scarcities of food in Ireland was by the removal from that country of a portion of its population. The last week his noble Friend (the Earl of Dunraven) and himself had conferred with Sir John Macdonald, Minister of Canada, and their conversation with that gentleman enabled them to see what great advantages would flow from emigration to that country. Within the last few years, by the operation of the Provinces of North America, the Canadians obtained an unlimited tract of fertile land in the West of America. There was no limit for almost any number of emigrants that would be almost impossible to supply. The Canadian Government took this matter in hand, and the Government here gave to emigrants the same facilities as were dictated by prudence and policy. They gave to an emigrant a grant of good prairie land which was nothing but the plough. They organized a system of receiving and conducting them through the country, and guiding them in the choice of land. In fact, they took care of the emigrants in every way. If the Government made advances to emigrants on the security of their property, the Canadian Government

would undertake to see to the collection of the re-payments and the transmission of the money to this country. He hoped that Her Majesty's Government would consider the matter, and that if by that time they were not prepared with a plan, his noble Friend (the Earl of Dunraven) would bring forward a Motion on the subject, calling for a Select Committee to inquire into it. In 1847 and 1848, what were called natural causes were allowed to operate, and most Irishmen would agree that very few of the then existing population were benefited by those natural causes. A great number of landowners were ruined, many among the farmers and the middle classes were evicted, and a vast number of people died. Natural causes operated unhappily for the people, but to the advantage of Ireland. It was impossible to read the oft-quoted pamphlet of Mr. Tuke, without being struck, on the one hand, with the great misery existing in some of the places he had visited; and, on the other hand, with the comparative improvement in the average condition of the population as compared with 1847 and 1848. That was the result of the operation of natural causes; but, unfortunately, 2,000,000 of people had disappeared somehow, and in a way far from creditable to our administration. He trusted his noble Friend the Secretary of State for the Colonies would not give an absolutely negative answer to the proposal, but would keep his mind open on the subject.

LORD STANLEY OF ALDERLEY trusted that the Government would not give a direct negative to the appeal made to them, but would, at least, take the matter into consideration, and that his noble Friend the Secretary of State for the Colonies would have some conversation on the subject of assisting emigration with the Canadian Minister who was now in this country. It had recently been stated that the railway to Manitoba was already completed to a considerable distance west of the settled parts of Canada, and there would be plenty of room along this line for emigrants. He thought that a good deal of false sentiment against emigration was due to Goldsmith's "Deserted Village" and "Traveller;" but at that time emigrants were very much left to take care of themselves, and were unsupported and unassisted by the State.

LORD ORANMORE AND BROWNE said, that he would admit the importance of the question, and that it should not be discussed as a Party matter; but he feared that while the people of Ireland had any hopes of getting part of the land of Ireland for themselves, they would not wish to emigrate without leaving behind some members of their families to occupy the tenements that were considered so undesirable. He believed the condition of the poorer tenants in Ireland had been exaggerated, because many of them were labourers, and, when there were good seasons in England, their earnings here made them comfortable as compared with many labourers in England. Owing to the wet climate and soil of Ireland, the difficulties of small cultivators were greater than in any other country, and made a corresponding demand for capital to balance the seasons. The people of Ireland also contracted early marriages, and they carried this custom into the large towns to which they were attracted by the industries concentrated there. The consequence was, that the population of those towns increased faster than the industries; and that made emigration desirable, not only for the people of Ireland alone, but for the people of the United Kingdom generally. The prospects held out by the Canadian Government were certainly very attractive, and Her Majesty's Government ought to endeavour in some way to assist our people to avail themselves of the offers that were made. It would be quite legitimate that not only Government aid, but also local aid and individual aid, should be given. He believed that it would be far more desirable than giving fixity of tenure to small tenants in small holdings, to send them to a country where there was a vast extent of fertile land that only required to be occupied and cultivated to yield a good living and easy prosperity to an industrious people.

LORD MONTEAGLE said, he wished to swell the general chorus of approval with which the noble Earl's (the Earl of Dunraven's) suggestion had been met, by adding his own. He must, however, say that although it was generally assumed that emigration would be a panacea for the difficulties existing in Connaught and other parts of Ireland, yet he could not persuade himself it would be so. Still, he would urge the Government to

give the subject their best consideration. If he doubted whether emigration would be an unmixed good, it was because while the population was congested certain parts of Ireland, in other parts it was sparse, and there were tracts of mountain moorland that were perfectly reclaimable. The hon. Member for Galway (Mr. Mitchell Henry) had four times possible almost to create land, which was of a certain agricultural value, and he believed the process was remunerative. Before systematically reducing the population, it would be well, therefore, if the Government would see whether there was not land that might be available for supporting some part of the population. When noble Lords spoke of the "conversion" of the Irish to emigration, he felt it impossible not to sympathize with the affectionate attachment of the Irish people to the soil of their country, though he admitted that the feeling was carried to excess. As, however, a large portion of the Irish people were emigrating, it would be well if they could direct at least, a portion of the stream to their own Colonies. With regard to the development of emigration, he might point out that during the first five months of the year the number of emigrants from Ireland was 34,046, and during the same period of last year the number was 11,904, which showed a development of emigration since last year of nearly treble. Two-thirds of the total number of the emigrants last year went to the United States; whereas in Connaught the proportion was four-fifths of the whole number; and in Mayo, where the emigration existed in the highest degree, the proportion was 11 out of every 15. Of the total emigration from Ireland since 1855, Returns were first compiled, about 10 per cent had emigrated under the provisions of the Poor Law. In the year 1855, which might be taken as a fair sample of emigration at its height, the proportion was as high as 27 per 1,000, while in March, 1880, the proportion was only 6 per 1,000; so that, whatever the influence of the Act might have been, it was dying out. He could not disguise from himself that there was a certain danger in emigration as regarded migratory labourers, particularly while the system was going on of subdividing waste lands which were formerly held in common. That system was proceeding in Connaught, both on the estates

da, who wished to relieve population, and on the landlords who only wished their rentals, and if it was only feared that the same as regarded the congestion which they found so would arise again, and there with it that system of small all deplored. He hoped could receive careful attention of the Government.

For KIMBERLEY said, that a considerable absence of his noble Lord President of the Council (Mr. St. John) he had undertaken to answer for him; but he must say that it was rather a Colonial question. As the Colonies were concerned, it was not the slightest doubt that it would be most advantageous to have as large a number of emigrants as possible to cultivate their land, although he was sorry to see the Colonies which, believing that the population would diminish the land now enjoyed, discouraged emigration. However, was certainly not the case in Canada, in which the Government were, undoubtedly, in favour of land waiting to be cultivated by the Canadian Government desirous of getting a large number of emigrants to cultivate the land as possible. Therefore, he was concerned, looking at the Colonial Office, he would say against any form of emigration. But, as this was an Irish question, from the point of view, perhaps, he would speak of it with more reserve. His friend who had just sat down (Mr. St. John) seemed to balance the arguments *pro* and *con*—he favoured emigration, and he wished to keep the population. For himself, he must say that it was extremely doubtful whether emigration was the panacea for the ills of Ireland sometimes supposed to be. It was truly true that the great emigration which took place in 1841 took place in the most melancholy circumstances—the depletion of the population was not only owing to emigration but to the lamentable number who died of famine and fever. The fact was so remarkable that he would

quote them; at least, he would quote those in regard to Connaught, the Province most concerned. In 1841, the population was 1,418,000; in 1851, it had been reduced to 1,100,000; and in 1871, it had fallen to 846,000. Notwithstanding that immense diminution, they still found that the condition of Connaught was such that they might almost suppose no practical diminution of the population had taken place. That was not encouraging; and when he was told that if they only sent away a certain further proportion of the population at the expense of the British taxpayer all the evils of Connaught would be removed, he confessed he was extremely sceptical. There was another evil under which various parts of Ireland suffered, and which, he believed, was one of the causes of the difficulties under which landlords and tenants alike suffered, and that was the small holdings. In that respect it was well to observe the prodigious change which had been effected. In 1841 there were over 100,000 holdings under five acres; but they had fallen in 1878 to 22,425. These figures, then, showed that the population had been greatly diminished, and that the process of consolidating the holdings was steadily going on. He felt a great deal of doubt as to whether it would be prudent of the Government to interfere with that process, and, perhaps, by an expenditure of £10,000,000, to transport a great portion of the population to Manitoba and other distant parts of Canada. There were several practical objections. In the first place, would the population go? That was a matter of considerable doubt. He had been told that landlords had frequently offered the tenants on their estates the opportunity to emigrate, but had not found the offer freely accepted. Then, again, let them look at the operation of the existing law. Noble Lords hardly seemed aware of the vast powers given by the Act of 1849 to Boards of Guardians, under which they might borrow money on the security of the rates to the extent of 11s. 8d. in the pound, for the purpose of assisting emigration, and thus send whole families out of the country. It might be assumed that the sentiment of Ireland was opposed to such emigration, because they found that that power had been only very slightly taken advantage of, the number of families thus assisted



being only 585 since the passing of the Act. Ireland, more than any country in the world, was governed by sentiment, and he was not disposed to disregard it. Indeed—and he could speak from personal experience—if there was anything calculated to arouse jealousy in Ireland, it was what they called the English Government assisting the landlords in clearing their estates; and he should view with considerable mistrust a policy of advancing large sums to landlords for that purpose, for that was what it would come to. If the Boards of Guardians were willing to assist emigrants, that would be a very legitimate operation indeed, for those Boards represented the community on the spot; they were, or ought to be, the best judges of what was required, and he believed did their duty very well. If these Boards of Guardians were disposed to take advantage of those powers of borrowing which they possessed he would receive it with great satisfaction. Speaking his own opinion—he had no authority to do otherwise—he thought that assistance might be given to local bodies of that kind; but funds given to landlords for the purpose of promoting emigration would render both the landlords and the Government open to misconstruction. He believed that a great deal more might be done in Ireland by the exertions of resident proprietors on the spot than was admitted by some, or than would even result from emigration. He was quite willing to assist in the promotion of any emigration of a legitimate character; but, at the same time, he could not help remarking that nobody who had seen what Mr. Tuke said in his pamphlet about the improved state of the property where there were resident landlords, over that where the only business of the landlord was to draw his rent, could avoid coming to the conclusion that those resident landlords who did their duty well—and many of them were Members of that House—had a heavy burden to drag after them in the persons of those non-resident landlords. If there was a country in the world where it was necessary for the proprietor to reside on his property, it was Ireland, and he regretted that such a large proportion of the estates in that country were left uncared for. It might not be very inviting to reside among such a population; but it was their

paramount duty to do so, and if population of their Lordships' estates in this country had been neglected the same way as the population of Ireland, they would see a state of things in England and Scotland at which they would be very much surprised. It was only by landed proprietors living among the population of Ireland, and living among them from one generation to another, that real improvement could be effected. There was one set of people who believed that it was only by clearing Ireland of the people that you could bring about a satisfactory condition of things; there were others who thought the removal of the people from Ireland was a great evil and ought to be resisted. While agreeing with neither of those parties, he believed there was, in certain places, a congestion of the population which it would be an advantage to relieve; but he held that it was the first and primary duty of the Government and of all persons connected with Ireland to see how they could improve the condition of the population of the country itself, and enable them to prosper and live happily there.

EARL FORTESCUE said, he was sadly disappointed at the speech of the noble Friend (the Earl of Kimberley). As the noble Viscount (Viscount Montagu) had truly observed, in a speech which was a most effective answer to his own speech of the other day, the laws of political economy vindicated their truth by their action, whether they believed them or not. The measure proposed recently by the Government, by violating the clearest principles of law and political economy, and establishing a most dangerous precedent, alarming not only the landowners, but the capitalists, not only of Ireland but of Great Britain, and thus driving away the capital, much needed in both, from the improvement of the land, would have confirmed and perpetuated the local evils clearly pointed out by the noble Earl (the Earl of Derby), who had so usefully called attention to the subject, by encouraging the redundant population to remain on their miserable holdings; and thus would have destroyed any hope of making permanent improvement in the condition of those districts which they said required this exceptional legislation. He utterly disbelieved in the existence of distress over anything like the extent

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led districts, which comprehend more than half of Ireland. considerable evidence of prosperity in Ireland—for instance, there is a remarkable increase in the Customs in England, and showed a falling off of the Customs in Ireland had by £40,000, and £4,000 of which was in a scheduled county. In one of his frequent visits he was struck by the great want in the condition of the Irish which had taken place within his life. He believed the distress was more local than the measure suggested by an overwhelming majority of their Lordships, including a majority of the Liberal Peers, would not suspect. The very fact that the distress was so limited made it so easy to apply what his noble friend had just said, did not make it be one of the remedies that might finish that congestion of population formed so great a difficulty as the source of so much distress. If the Government, profit-taking special facilities now opposed by the Canadian Government, emigration up not merely as enabling landlords to clear their estates, but in conjunction with the Guardians; if they went to the root of the matter, so that whole families might emigrate and carry the feeling with them, much good might be done. If people were allowed to take their pastors with them to such a country as Canada—and, Protestant as well as Catholic, they would not object to that—if they were the society which they had in Ireland, and almost everything that was the cause of their poverty, he believed it would be a source of strength and prosperity to the Dominion, and that, while they prospered for themselves, they would hardly be a less benefit upon the country had left behind. He must say that while he quite agreed as to the result of the emigration from the residence of the people on their estates, and the exorbitant prices of their doing so, it was not, and ought not, to be exposed to their own lives, and the lives of their families, as well as their exposure to danger from lawless violence. What was a point which he would impress upon Her Majesty's Government.

LORD ORANMORE AND BROWNE remarked, that it was by no means surprising that few Irish landlords lived on their property, considering that several of the Members of their Lordships' House had been from time to time warned by the Government of the day not to do so.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, the difficulties in the way of what was proposed were almost insuperable; and he wished to point out that, in order to relieve the congestion of the population, there ought to be a provision that if persons were assisted to emigrate, the houses in Ireland in which they resided should be pulled down; otherwise, other families would come to inhabit them, and the recurrence of the evil would be certain and immediate.

THE EARL OF KIMBERLEY said, he had omitted to give some figures in the course of his remarks which had an interesting bearing on the case. The number of emigrants from Irish ports in the first six months of 1879 were 22,787; and for the first six months of the present year they were 64,583, showing an increase of 41,795. That, at least, showed that an increased emigration was going on.

LORD DENMAN said, that he had referred their Lordships to Maguire's *The Irish in America*, and had desired to present a copy of it to the Library of their Lordships' House.

THE EARL OF DUNRAVEN, in reply, said, he had never suggested that emigration should take any other form than an extension of the system of granting loans to the Boards of Guardians. The money which was advanced by them could be secured on the holdings of the emigrants in Canada, according to the scheme laid down in the Bright Clauses of the Land Act.

LORD PLUNKET'S INDEMNITY BILL [H.L.]

A Bill to relieve the Right Honourable William Conyngham Baron Plunket from certain disabilities and penalties in consequence of his having sat and voted in the House of Peers without being duly qualified by making and subscribing the oath prescribed by law—Was presented by The LORD CHANCELLOR (by Her Majesty's Command); read 1<sup>st</sup>; and to be read 2<sup>d</sup> To-morrow; and Standing Order No. XXXV. to be considered in order to its being dispensed with.

House adjourned at Seven o'clock,  
till To-morrow, a quarter  
before Five o'clock.



## HOUSE OF COMMONS,

*Monday, 9th August, 1880.*

MINUTES.]—SUPPLY—considered in Committee.—CIVIL SERVICE ESTIMATES, Class IV.—EDUCATION, SCIENCE, AND ART, Vote 3; Class I.—PUBLIC WORKS AND BUILDINGS, Votes 12, 20, 21; Class II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS, Vote 33; Class III.—LAW AND JUSTICE, Votes 3 to 14, 18.

WAYS AND MEANS—considered in Committee—Consolidated Fund, £10,818,274.

PUBLIC BILLS—*First Reading*—County Courts Jurisdiction in Lunacy (Ireland)\* [306]; Courts of Justice Building Act (1865) Amendment\* [307].

*Second Reading*—Bastardy Orders\* [305].

*Committee—Report*—Census (Ireland) [284]; Census (Scotland) [286].

*Committee—Report—Considered as amended—Third Reading*—Elementary Education (*re-comm.*)\* [264], and passed.

*Third Reading*—Elementary Education Provisional Orders Confirmation (Cardiff, &c.)\* [268]; General Police and Improvement (Scotland) Provisional Order (Forfar Gas)\* [283]; Married Women's Policies of Assurance (Scotland)\* [270], and passed.

*Withdrawn*—Vaccination Acts Amendment\* [222].

## QUESTIONS.

RULES AND ORDERS—PETITIONS—  
REFERENCE TO THE OTHER HOUSE  
OF PARLIAMENT.

MR. T. P. O'CONNOR begged to present Petitions from the Tower Hamlets Radical Club, from the Westminster Democratic Club, and from Lambeth Radical Club, in favour of his Resolution—

"That it was inexpedient that Public Business should be at the mercy of a body of hereditary and irresponsible legislators."

MR. WARTON asked the Speaker, Was it Constitutional for a Member of that House to present a Petition which contained an attack upon another branch of the Legislature?

MR. SPEAKER said, he did not quite understand the Question of the hon. and learned Member.

MR. WARTON said, he might be wrong; but he submitted that part of the Constitution was, that neither House should receive Petitions which were insulting to the other.

MR. SPEAKER said, he presumed that if the Petitions alluded to containing insulting expressions the hon. Member would not have presented them.

MR. T. P. O'CONNOR said the Petitions were couched in most respectful terms.

COURTS OF LAW (SCOTLAND)—  
MENT OF FEES BY STAMPS.

GENERAL SIR GEORGE BALFOUR asked the Secretary to the Treasury he will cause inquiries to be made to the use or non-use of stamps for in the Courts of Justice in Scotland; why not used on all occasions of payments connected with the administration of justice?

LORD FREDERICK CAVENTISH said, Sir, I have made inquiry into the matter referred to by my hon. and gallant Friend, and find that fee stamps are in all proceedings in the Supreme Court in Scotland—that is, in the Court of Session, Court of Teinds, and Court of Justiciary. Their extension to the local Courts has been under consideration, but is attended with difficulties. In the Sheriff Courts there is difficulty of distribution in all the places where Courts are held. There are fees payable to officers of Courts, which are still, in certain cases, retained for their own use.

PRISONS ACT, 1877—PRISON LABOUR—  
COMPETITION WITH TRADES  
MANUFACTURES.

MR. SERJEANT SIMON asked the Secretary of State for the Home Department, Whether he is aware that let with price lists of mats and mattings manufactured by prisoners in Wakefield Prison, have been issued by the authorities of that prison to the manufacturers and merchants, offering to supply them with those articles from 1st August; whether a similar course has not been taken by the authorities of other prisons; whether the manufacture of mats and mattings in our prisons did not considerably increase in 1879, and has not decreased since, employing a greater portion of prisoners in that trade than any other; and, whether he will take steps to avoid, according to the spirit and intention of the Prisons Act, 40 & 41 Vic., c. 21, s. 11, "undue pres-

mpetition with, any particular industry?"

WILLIAM HARCOURT, in reply, had made inquiries as to the matter of the Question of the learned Gentleman, and found letters with price lists had been sent to wholesale dealers. The calculations showed that, instead of getting an increase in the manufactures and matting in prisons, the fact was the number of men employed in that kind of work was present, 1,000 fewer than four years ago.

(IRELAND)—RE-NAMING OF CARLISLE BRIDGE, DUBLIN.

MR. DAWSON asked the Chief Secretary the Lord Lieutenant of Ireland whether the Corporation of Dublin, by formal resolution, recently passed for the new bridge across the Liffey at Carlisle Bridge, the Port and Docks Board who built the bridge, refused the Corporation to have reference to tablets describing the Carlisle Bridge, and to substitute tablets describing it as Carlisle Bridge; whether the naming of the bridge was within the City of Dublin is not by Law vested in the Corporation; and, if so, whether there are means of securing that such right in the case of bridges, be preserved to the Corporation, and of preventing the Corporation being frustrated by a body of ratepayers, the Port and Docks Board, which does not represent the great body of the ratepayers, and was only intrusted with the navigation of the river; and, if it is a fact that, when the plans for the bridge were submitted to the Corporation for its approval, the Corporation on the tablets was substituted and that the placing of any inscription naming the bridge was omitted in the case of Grattan Bridge, formerly Essex Bridge, which was named in a similar manner, built by the Port and Docks Board, but with money, in the present case, principally contributed by the ratepayers of the City of Dublin, the elected representatives of the Corporation of Dublin?

MR. W. E. FORSTER: Really, Sir, the question which does not concern the Executive Government. It re-

lates, I suppose, to a dispute on a matter of law between the Corporation of Dublin and the Dublin Port and Docks Board. As regards information on the matter, I daresay the hon. Member is better informed than I am, as he is a member of the Corporation. As for a legal opinion on the subject, if mine were good for much, it would not be my business to give it. It is a legal dispute, or may come to be one. I cannot give an opinion upon it, and I suppose the parties will settle it in the usual way.

MR. DAWSON: May I ask the right hon. and learned Gentleman the Attorney General for Ireland, or the Attorney General for England, to state his opinion on this question relative to the legal right of the Corporation and of the Port and Docks Board?

MR. W. E. FORSTER: I really think that these are both influential bodies, and not at all devoid of means, and that they are in a position to get their legal opinion in the usual way.

THE LATE REGISTRAR GENERAL — RETURN ON MORTALITY (GENERAL AND INFANT)—THE NOTE.

MR. HOPWOOD asked the President of the Local Government Board, By whose authority a "Note" was appended of information not ordered by this House to the Return on Mortality (General and Infant), dated the 16th day of June, 1879; whether the Note is not misleading, as it compares epidemic years 1838-42 with years consisting of epidemic and many non-epidemic years, and omits the years 1843, 1844, 1845, and 1846, which were non-epidemic years altogether; and, whether he will give consent to a Return of deaths from smallpox for England and Wales during the years 1843, 1844, 1845, and 1846?

MR. DODSON: The Note in question was added by the late Registrar General. Its object was to show the average rate of mortality from small-pox in the whole series of years for which the information is available, both before and after vaccination was compulsory. The Note was inserted to prevent the public being misled by a comparison of two periods of seven and nine years, the latter of which includes the epidemic of 1871 and 1872. The years 1843-46 were

omitted because they are the only years since 1837 for which the causes of death have not been abstracted and classified; but there appears no trustworthy ground for the assertion that these were non-epidemic years. There is no objection to giving the Return for those years, except the trouble and expense of extracting deaths from small-pox from about 1,500,000 of deaths from all causes.

**PUBLIC HEALTH—UNWHOLESOME MEAT—CASE OF GEORGE LAMB.**

**MR. RITCHIE** asked the Secretary of State for the Home Department, Whether his attention has been called to the case of George Lamb, who was convicted at the Thames Police Court of exposing for sale unwholesome meat and fined 2s. 6d.; and, if so, whether he has thought it necessary to ask for some explanation from the magistrate of what seems so inadequate a punishment for so serious an offence?

**SIR WILLIAM HARCOURT**, in reply, said, he had received a communication from the magistrate sitting at the Thames Police Court, to the effect that on the evidence adduced he was at first disposed to dismiss the summons, it having been shown that the defendant, who had bought the food from a wholesale dealer, did not know until he had opened the tins that any of it was bad, and that the food seized was not intended for sale, although it was exposed in the defendant's place of business. On further consideration, he thought it advisable to impose a nominal fine of half-a-crown to mark his sense of the imprudence and carelessness of the defendant, and that he did.

**MR. RITCHIE** asked, if the right hon. and learned Gentleman was aware that this was a second conviction?

**SIR WILLIAM HARCOURT** said, he had no information on that point.

**SCIENCE AND ART—SOUTH KENSINGTON MUSEUM—DUPLICATE OBJECTS OF ART—THE LIST AND RETURN.**

**MR. LEEMAN** asked the Vice President of the Committee of Council on Education, If there exists any List of Duplicates of Objects of Art in the South

Kensington Museum; and, if not, whether he will cause such a list to be prepared for the reassembling of Parliament; such list to be classified, and give date and country of each example; whether he will cause a Report to be prepared to be presented at the same time, giving a detailed account of the system of circulation of objects of art throughout the kingdom under the Science and Art Department of the South Kensington Museum from its establishment to the present time; such Report to give in alphabetical order the towns to which loans have been sent, how often, and for what periods of time; the number of objects; returns of visitors; and, where possible, the financial results; with any details, extracts from official correspondence, &c., showing the influence of such contributions from national collections in the promotion of local provincial exhibitions and museums; and, particulars as to special provisions which have been made for the safe transmission and custody of such loans; and, what, if any, arrangements have been entered into with insurance offices for protection against loss by fire?

**MR. MUNDELLA**: Sir, a list of duplicates of art objects in the South Kensington Museum, suitable for circulation on loans to schools of art, provincial museums, &c., was printed in 1872, and can readily be made complete to the present time. A Report relating to the organization of the system of circulation of art objects on loan, carried on by the establishment of the Science and Art Department to the present time, shall be furnished early next Session. Meantime, it may interest the House to know that during 1879 collections have been sent to seven permanent local museums, including the at Bethnal Green and Edinburgh, and 10 local exhibitions. The number of objects lent has been 5,854, and the number of paintings and drawings 2,000. The number of visitors to local museums excluding Bethnal Green and Edinburgh has been 581,922. The visitors to Bethnal Green numbered 444,021, and Edinburgh 647,294, giving a total 1,673,237. The number of visitors to South Kensington was 879,395, making a grand total of 2,552,632. The demand for loans of art objects has largely increased this year, and we are endeavoring as far as possible to meet it.

*Mr. Dodson*

# AND ART—SALE OF DUPLI- FROM THE NATIONAL COL- S.

EMAN asked the Financial to the Treasury, Whether, in s of provincial and corpora- ms, the Treasury are prepared the advisability of issuing in- prohibiting any further sale s of works of art in the na- tions; and, if the Treasury a Return, to be prepared for abling of Parliament, setting uplicates of works of art in onal collections of the Me- rich are not under the control sible Minister, including the seum, the National Gallery, tional Portrait Gallery; such be classified, and to give date y of origin of each example, se of paintings, water-colour drawings, etchings, &c., to riod and style of each master; to include all duplicates not or which can be withdrawn ition without lessening the d completeness of the collec-

FREDERICK CAVENDISH: consulted the Trustees of the tions included in the Question Friend. With regard to theallery, duplicates of pictures titution would, as a rule, be d no such copies have been hanged, nor are there any in ion of the Trustees. The Na- trait Gallery has only one The Question of my hon. uld, therefore, apply chiefly to f the British Museum; and, the limited amount of the h is annually placed at the e Trustees, I think it would isable to deprive them of the elling or exchanging dupli- change or sale is often the s of obtaining necessary speci- e power of sale, which was on the Trustees by certain f the 7 Geo. III., has very n exercised except for special with the concurrence of the With respect to the second Question, I am informed that ties of compiling such a Re- case of the British Museum very great, owing to the im-

mense number of the objects and the necessity of careful comparison of similar specimens before they can be pronounced to be duplicates, and that the number and value of the duplicate specimens, when such an examination had been completed, would not be at all commensurate with the labour and cost.

## THE ECCLESIASTICAL COMMISSIONERS —ESTATE AT SEDGEFORD.

MR. MONK asked the honourable Member for the Isle of Wight, Whether it is the fact, as stated by the Reverend Mr. Zincke, in the "Contemporary Review" for the present month, that—

"At Sedgeford the Ecclesiastical Commission- ers have an estate of 2,000 acres without a single cottage, and in this parish we hear of ten and eleven persons sleeping in a single room;"

and, if so, whether the Ecclesiastical Commissioners for England have taken, or are about to take, steps to erect cot- tages for the agricultural labourers on their estate at Sedgeford, or to provide some other remedy for a condition of things which tends to the demoralization of the labourers and of their families?

MR. EVELYN ASHLEY: Sir, the passage referred to conveys a wrong impression, and is only a quotation of words used in a Report of one of the Assistant Commissioners employed under the Royal Commission of 1869, to inquire into the condition of women and children in the agricultural districts. At that time the Ecclesiastical Commissioners had just acquired from the Dean and Chapter of Norwich the reversion of the estate at Sedgeford; but had no control over any part of the property, which was held under a long lease. It was not till 1874 that arrangements were completed by which 1,260 acres were brought into possession, the lessees acquiring in ex- change the freehold of the residue. Since then the Ecclesiastical Commis- sioners have built six new cottages, which, added to one which was there before, makes seven cottages for one farm of 1,260 acres.

## POST OFFICE—THE PROPOSED SMALL PARCELS POST.

SIR JOHN HAY (for Sir GABRIEL GOLDNEY) asked the Postmaster General, Whether, having reference to the pro- posal of the late Government to intro-

duce, by arrangement with the Railway Companies, an universal small parcels post, the present Government propose to follow up the subject; and, whether, if so, any progress has been made in the matter?

MR. FAWCETT: Sir, when I was appointed to the Office I now hold, I found that negotiations had been commenced by the late Government with the object of establishing, in conjunction with the Railway Companies, a parcels post throughout the United Kingdom. After giving the subject careful consideration, I came to the conclusion that the establishment of a parcels post would confer such important advantages upon the entire community that I asked the Prime Minister to allow the negotiations to proceed. His consent was at once most willingly given. The negotiations are at the present time going on; and Mr. Benthall, who has hitherto conducted the negotiations on behalf of the Post Office, is about to meet the representatives of the Railway Companies. I can assure the hon. Baronet the Member for Chippenham (Sir Gabriel Goldney) and the House that the advantages which would result to the entire community from establishing a parcels post are so fully recognized by the Post Office authorities that no exertions will be wanting on our part to bring the negotiations to which I have referred to a speedy and successful conclusion. It may, perhaps, interest the House to hear that a Congress is to meet in Paris early in October to consider the important subject of an international parcels post; and Mr. Blackwood, the Secretary, and Mr. Benthall, one of the Assistant Secretaries of the Post Office, will represent England at the Congress.

#### LAW AND POLICE (METROPOLIS)— POLICE CONSTABLE HORSFORD.

MR. CARINGTON asked the Secretary of State for the Home Department, Whether it is the intention of the Public Prosecutor to take any action in the case of police constable Horsford, No. 275 Y, which was referred to him, according to the public prints, last Wednesday week by Mr. Barstow, a Metropolitan police magistrate?

SIR WILLIAM HARCOURT, in reply, said, that the inquiry into the

*Sir John Hay*

matter was still unfinished, and that initiatory action in such a case lay with the Attorney General, and not with the Home Office.

#### PARLIAMENT—THE BUSINESS OF OF THIS HOUSE.

MR. BROADHURST asked the Secretary of State for India, Whether during the coming Recess, the Government will consider and, if possible, some re-arrangement of the business hours of the House, whereby it could adjourn not later than twelve o'clock at night?

THE MARQUESS OF HARTINGTON: Sir, no Members of the House would be more rejoiced than Her Majesty's Government would be if the proposition of the hon. Member could be carried into effect, and we shall be happy to consider the Recess to consider any suggestion that may be laid before us for the accomplishment of so desirable an object. As yet, however, we have not had any suggestion brought under our consideration which appears likely to result in enabling the House to rise at the hour mentioned.

MR. BROADHURST said, that in the event of no step in the direction had indicated being taken by Her Majesty's Government, he begged to give Notice that, early next Session, he would call the attention of the House to the subject, and would move a resolution.

MR. A. M. SULLIVAN hoped to bring into connection with the subject, the Lord would consider the suggestion had been made, that the Session would be held from November to May, instead of from February to August.

#### CENSUS (IRELAND) 1881—EMPLOYMENT OF CONSTABULARY.

MR. W. CORBET asked the Secretary to the Treasury, with reference to the Bills for the taking of the Census in 1881 in England, Scotland, and Ireland respectively, from which it appeared that provision is made for the appointment and payment of a special staff of registrars, enumerators, and other persons in England and Scotland, while in Ireland the account of the population was to be taken by—

N DEPARTMENT—APPOINT-  
OF SCHOOL INSPECTORS.

TH asked the Vice President  
cil, When the last appoint-  
school Inspectors was made,  
many Inspectors were then

UNDELLA: Sir, Treasury  
employ six additional In-  
s asked for by the Depart-  
e 8th of December, 1879, and  
ne Treasury on the 17th of  
. On the 19th of April, 1880,  
resident nominated the eight  
whom he had selected; they  
ally appointed by the Queen  
on the 3rd of May, and  
the 14th of May, 1880.

STAN — WITHDRAWAL OF  
TROOPS FROM CABUL.

TANHOPE asked the Secre-  
ate for India, Whether, in  
calamity which has recently  
the neighbourhood of Can-  
s still the intention of the  
t of India to commence at  
ithdrawal of the whole of the  
Cabul; and, if he can inform  
what arrangements, or at any  
any arrangements have  
in the course of the negotia-  
Abder Rahman for the secu-  
chiefs and tribes who have  
tance to the British Forces?

QUESS OF HARTINGTON:

undoubtedly the intention of  
ment of India, notwithstand-  
ortunate event which occurred  
the neighbourhood of Can-  
commence at once the with-  
the whole of our troops from  
that intention, I need scarcely  
House—though I am happy  
to have this opportunity of  
ng an impression which some  
espondents of the newspapers  
labour under—has not been  
consequence of the defeat at  
but is one which has long  
mined on by Her Majesty's  
at, and which the circum-  
ch have occurred at Candahar  
the opinion of the Government  
nder it necessary to modify  
ect. The House will, I think,  
know that the withdrawal  
l. is being made with the

entire assent and concurrence of General  
Stewart, who is, as I before stated, in  
supreme political as well as military  
command. I will, with the permission  
of the House, read one or two extracts  
from a private telegram of General  
Stewart, to show how completely he  
concurs in the policy which dictates  
this movement. On the 5th of August  
General Stewart telegraphed to the  
Viceroy—

“All our objects here have been attained,  
and nothing remains to be done but to hand  
over Cabul to the Ameer, who is naturally  
anxious to establish himself in his capital and  
to bring his Government into working order.  
Politically, the withdrawal from Cabul now  
would be well timed, and that we shall leave  
Cabul on the day fixed for that purpose two  
months ago. The state of affairs at Candahar  
renders it highly necessary that we should avail  
ourselves of the present opportunity, while the  
country remains quiet and free from complica-  
tion.”

I think it would also be satisfactory to  
the House that I should read the last  
telegrams we have received. The Vice-  
roy telegraphed yesterday—

“I believe the withdrawal to Gandamak of  
the troops, and Roberts's march to Ghuznee  
will be without any opposition whatever. Can-  
dahar news has necessarily caused much excite-  
ment, but we have counteracted it, and yesterday  
I received most friendly letters from Mahomed  
Jan and Muski Alam.”

To-day the Viceroy telegraphs—

“Major White, the Military Secretary to the  
Viceroy, having joined his regiment, the 92nd  
Highlanders, with Roberts's Division, reports—  
‘Magnificent force; could go anywhere.’”

In reply to the latter part of the Ques-  
tion, I may state that, from telegrams  
which I have received, I have no doubt  
whatever that arrangements are being  
made for the security of the Chiefs  
and the Tribes who have given as-  
sistance to the British Forces. What  
these arrangements are, even if I were  
perfectly informed of them, I should  
not think it desirable to publish at the  
present moment; but I wish the House  
to understand that they are not neces-  
sarily arrangements with Abdur Rahman  
himself, with whom, as I informed the  
House a few days ago, it has been the  
policy both of Lord Lytton's Govern-  
ment and that of Lord Ripon to enter  
into as few negotiations as possible, at  
present, of any character whatever. I  
have received no information in corrobora-  
tion of the intelligence of the capture  
of Chaman.

gaged in the affray. At present, however, he had not sufficient information on the subject to make a statement with regard to it to the House.

MR. A. M. SULLIVAN, having been written to on the subject, expressed a hope that the right hon. and learned Gentleman would arrive at a speedy conclusion with reference to it, seeing that the defendant was undergoing imprisonment.

#### CONTAGIOUS DISEASES (ANIMALS) ACT, 1878—PHOENIX PARK, DUBLIN.

MR. ION HAMILTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is prepared to recommend the Privy Council to declare Phoenix Park to be an infected area, in consequence of the number of cases of pleuro-pneumonia which have occurred there since the 15th of May, and in accordance with the expressed opinions of the Guardians of the North Dublin Union (acting as the local authority under the Contagious Diseases (Animals) Act), that it ought to be restricted; and, if he will state whether, in his opinion, Section 48, Clause E, of the Animals Order, relied on by the veterinary department in depriving the said local authority of all control over the park, is consistent with Section 27 of "The Contagious Diseases (Animals) Act, 1878," which provided for animals in transit only?

MR. W. E. FORSTER: Sir, with the assent, or rather by the advice of the authorities in Dublin, I shall recommend to the Irish Privy Council that the Phoenix Park be declared an infected area. I think the time has come for that. There are no inconsistencies between the numerous Orders issued under the sections of the Act to which the hon. Member refers. If the hon. Member refers to them, he will find that they provide not only for animals in transit, but for animals in places not in the occupation, nor under the control, of their owners.

#### TREATY OF BERLIN—MOBILIZATION OF THE GREEK ARMY.

SIR H. DRUMMOND WOLFF (for Mr. A. J. BALFOUR) asked the Under Secretary of State for Foreign Affairs, Whether it is true that Her Majesty's Government have withdrawn their recommendations to the Government of Greece

in favour of a quiescent policy; and whether in consequence orders have been issued for the mobilization of the Greek Army?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government having been informed that it was the intention of the Greek Government to issue a proclamation calling out the reserves and mobilizing the Army, Her Majesty's Minister at Athens was instructed, on the 7th July, to inform the Greek Government that they considered that step premature. In consequence of that communication, which was supported by the French Government, the Greek Minister for Foreign Affairs stated that he would recommend that the publication of the proclamation should be delayed until after the Turkish answer had been received. Her Majesty's Government were informed that similar advice had been tendered by the Governments of Austria and Germany. As, however, it appeared that, on the 28th ultimo, all the Great Powers, except England, had withdrawn their objections to the mobilization, Her Majesty's Government were unwilling to incur the responsibility of imposing their advice upon the Greek Government or to press them any further to abstain from issuing the proclamation, they thought it necessary to do so. The Greek Government state that their object in desiring to proceed with the mobilization forthwith is to retain in the ranks the trained soldiers whose time of service would otherwise expire.

#### HACKNEY CARRIAGES (METROPOLIS) —THE FOUR-MILE RADIUS.

MR. MACFARLANE asked the Secretary of State for the Home Department, If, considering the extension of the metropolis since the radius of four miles from Charing Cross was fixed as the distance regulating the fares of hackney carriages, and the inconvenience resulting to persons residing beyond the radius, he would be prepared to extend it to five or five and a-half miles?

SIR WILLIAM HARCOURT, in reply, said, he had taken the opinion of the Commissioner of Police on this matter, and he was very strongly of opinion that the effect of such an alteration would be to diminish, rather than increase, the convenience of the public, as cabs would cease to ply in the suburbs.

*Sir William Harcourt*



ded by many as of the utmost  
e.

MARQUESS OF HARTINGTON  
understood that the Question  
was, who would be in com-  
mand of the forces of General Prim-  
rose united, and  
General Phayre united, and  
General Primrose would certainly be in  
command. He did not understand  
the question to refer to General Roberts,  
but, under any circumstances,  
it was clear that for a considerable time,  
he could not say without Notice who  
would be in command when General  
Forster's forces arrived.

HOUSE OF COMMONS (ANIMALS) ACT,  
PREVENTING THE IMPORTATION OF  
CATTLE FROM THE UNITED STATES

MURKE asked the Vice Presi-  
dent of the Council, Whether he can  
bring forward any more information  
relative to the importation of beasts  
from America that were infected with  
rabies?

MUNDELLA, in reply, said, that  
he had come into the House he had  
from Professor Brown the fol-  
lowing communication:—

"In the case of splenic apoplexy among American  
cattle, there have been six more  
cases of the same cargo, and I have sent an In-  
spector to this afternoon to make inquiries.  
I do not apprehend any danger. We  
have with maimed and diseased parts, and  
the authorities at Liverpool, with whom  
I communicated early on Saturday, destroy all  
such as unfit for food, so that all is being  
done to prevent the mischief. The Inspectors at  
the American cattle are landed have  
been informed."

(IRELAND) — ASSASSINATION  
AT NEW ROSS.

SIR STAFFORD NORTHCOTE: May  
I ask the Chief Secretary to the Lord  
Lieutenant of Ireland, Whether he has  
any information relative to a  
serious outrage perpetrated last  
year near New Ross on Mr. Boyd,  
Solicitor for Tipperary, and  
one of whom was killed?

MR. W. E. FORSTER: Sir, I really  
have no more information on this subject  
than the right hon. Gentleman  
possesses through the news-  
papers. I have, however, received a tele-  
gram stating that two gentlemen were  
[An hon. MEMBER: Three.]  
killed. I am sorry to say that one of  
them was seriously wounded; but I have  
no information of his death. [Sir STAFFORD

NORTHCOTE: I have received a telegram  
stating that he has since died.] I am  
very sorry to hear of it. With respect  
to the persons concerned in this outrage,  
they are believed to have been masked.

SIR STAFFORD NORTHCOTE: Has  
the right hon. Gentleman any informa-  
tion as to Mr. Boyd's assailants having  
been armed with Enfield rifles with  
fixed bayonets?

MR. W. E. FORSTER: I have no in-  
formation on the subject. I believe,  
however, that some old Enfield rifles  
were sold before the present Govern-  
ment came into Office. I have stopped  
the sale since.

LUNATIC ASYLUMS (IRELAND)—  
SUPERANNUATION OF OFFICERS AND  
SERVANTS.

MR. W. CORBET asked the Chief  
Secretary to the Lord Lieutenant of  
Ireland, If he is aware of the fact that  
a distinction exists between England  
and Ireland in regard to the manner  
of pensioning Officers and Servants of  
Lunatic Asylums on retirement, inas-  
much as in England they can receive at  
the end of fifteen years' service a pen-  
sion amounting to two-thirds of their  
salaries, under the Lunacy Acts Amend-  
ment Act of 1862, while in Ireland they  
must have served forty years before they  
can receive an equal amount; whether  
he is aware that the Clause in the Super-  
annuation Act of 1859, which provides  
that when professional qualifications are  
necessary for the holding of any office  
the Lords of the Treasury may by War-  
rant direct that in computing the retired  
allowance of any person so specially  
qualified a number of years not exceed-  
ing twenty be added to the number of  
years he may have actually served, does  
not apply to the Medical Officers of  
Lunatic Asylums in Ireland as their  
salaries are not paid out of the Consoli-  
dated Fund; and, whether he will take  
steps to place the Officers and Servants  
of Lunatic Asylums in Ireland, when  
incapacitated by age or infirmity to per-  
form their duties, on an equal footing  
in regard to pensions with their brethren  
in England?

MR. W. E. FORSTER: Sir, the  
English Act of 1862, to which the hon.  
Member refers, provides that 15 years  
shall be the minimum period to en-  
title to a pension; but it does not say



SIR ALEXANDER GORDON asked, Whether there was any communication between General Stewart and General Roberts?

SIR HENRY TYLER asked, Whether the opinion of General Roberts was in accordance with that of General Stewart as to the withdrawal from Cabul?

THE MARQUESS OF HARTINGTON: Yes, Sir. General Stewart is now in supreme command, as I have said, and it would not be in accordance with military discipline that an inferior officer should be asked whether his opinion is in opposition to that of his superior or not.

MR. ASHMEAD-BARTLETT asked the Secretary of State for India, Whether his attention has been called to the following facts:—That General Skobelev, with a large Russian army, is now marching through the Turcoman country towards Herat and Afghanistan; that Abdur Rahman, whom we have just recognized as Ameer of Cabul, has been for twelve years a pensioner of the Czar, and an intimate of General Kaufmann, and has refused to come within our lines; that a retreat from Cabul at present is extremely undesirable for the health of the troops, and will leave General Roberts's rear uncovered and deprive him of a base of operations in his march to Candahar; that Ayoo Khan, who has just defeated our forces, is said to have Russian officers with him; that Candahar is in serious peril, and reinforcements can only be advanced with the greatest difficulty; that a British army has never before been ordered to retreat from an enemy's country in face of a severe defeat; and, whether, in view of the above facts, and the probable disastrous effect on our prestige and position in India of a retrograde policy, Her Majesty's Government will at once countermand the order for General Stewart's retreat from Cabul?

THE MARQUESS OF HARTINGTON: Sir, the Questions of the hon. Member are of a somewhat controversial character; but I will endeavour briefly to answer them. He asks whether I am aware that General Skobelev, with a large army, is now marching through the Turcoman country towards Herat and Afghanistan. It is extremely difficult to obtain accurate or reliable information about the Russian Forces in the

Turcoman country; but I believe small, not a large, Russian force is advancing through that country, no doubt towards Herat and Afghanistan, in the same way as General Roberts may be now said to be marching towards Persia or Russian territory. Abdur Rahman, who has been recognized as Ameer of Cabul, has been for 12 years a pensioner of Russia, and I believe he has been intimate with General Kaufmann. I am not aware that he has refused to come within our lines, and I do not think that he has been invited to do so. The retreat from Cabul, in my opinion, is an extremely undesirable for the health of the troops, because the troops will return to Gandamak, which is an extremely healthy position. The retirement to India will certainly not take place until, in the opinion of the military authorities, it can be executed without damage to the health of the troops. The retirement from Cabul will not, I conceive, leave General Roberts's rear more uncovered or deprive him of a base of operations on his march to Candahar, than if the troops had remained at Cabul. I do not believe it was ever intended to keep up a communication between General Roberts and General Stewart at Cabul. I am not aware that Ayoo Khan has Russian officers with him. Candahar, no doubt, is in serious peril, and reinforcements are advancing. I trust they will arrive there before long. The British Army is not, in my opinion, retreating from an enemy's country in the face of a severe defeat, as General Roberts and General Phayre are advancing to meet the enemy. Under these circumstances, I do not think the execution of what I have already stated as having long been the deliberate policy of Her Majesty's Government is in any way discreditable to the British Army.

MR. ONSLOW asked, who would have the supreme command at Candahar when General Primrose had been relieved by Generals Roberts and Phayre?

THE MARQUESS OF HARTINGTON: General Primrose, I believe.

MR. OTWAY said, he would like to know whether the noble Lord was correct in saying that when the forces of General Roberts and General Primrose joined General Primrose would be the commander? That reply did not correspond with one given the other day, and the answer given to that Question

Bill, although not in the category of measures which it is absolutely necessary to pass, may be very nearly in the same category, for I have no misgiving has been given, and very little disappointment would not unfrequently be felt if another winter were to go by without an attempt to legislate on this subject. I do not believe that the Bill as it is now in the House is not one that will meet with much opposition, and I trust the House may be able to pass it. There remain two measures of great importance—the Savings Bank Bill and the Post Office Money Bill. These are, I do not say, measures which it is absolutely necessary to pass; but I believe that in the long run they now are there is very little opposition to them, and very little to be saved by their abandonment, therefore, while I do not say that they are Bills of so immense importance as those which have previously enumerated, I do not propose, at all events, to abandon them, and I may not be necessary that they be abandoned. The Business Committee have already referred to must, in any circumstances occupy the House for a considerable period, I believe it is not necessary that the period should be an extremely long one. I believe, if the House is to devote itself with energy and without unnecessary discussion to the consideration of this Business, it may be able to do so within some not altogether unreasonable time. But, at the same time, I must frankly admit that the measure that I have referred to is of so important a character that it is impossible to fix, or to attempt to fix, any definite time when we can with certainty look for its consideration at the close of the Session. I say that, as far as the Government is concerned, they will do their utmost to bring their measures and their business before the House in such a manner as to enable the House to consider them as soon as short a time as possible, and I trust that the House will give us its assistance as is in its power in preventing and curtailing any and every superfluous discussion. I am not able at the present time to indicate in a way satisfactory to the House some time for the

certain termination of its labours. I have, however, frankly intimated what is the state of Business, and I will give the House all the information that is at present in my power.

SIR STAFFORD NORTHCOTE: I wish to put a Question or two to the noble Lord. He did not mention the Vaccination Bill. Is that measure to be proceeded with?

THE MARQUESS OF HARTINGTON: No, Sir. We shall not proceed with it this Session.

SIR STAFFORD NORTHCOTE: The noble Lord has mentioned that the Home Secretary proposes to move certain Amendments of an important character in the Hares and Rabbits Bill, and that we are to be asked to take that Bill tomorrow. I think it would have been a great convenience if those Amendments had been placed on the Paper, so that we might have considered them. But, as that has not been done, I would ask the Home Secretary whether he could not now, without inconvenience, mention the character of those Amendments? The noble Lord has not told us when the Expiring Laws Continuance Bill will be proceeded with, nor what Business is to be taken on Wednesday.

SIR WILLIAM HARCOURT said, he was sorry that the Amendments to the Hares and Rabbits Bill were not on the Paper that morning. During the period when it was supposed that there would be a Sitting on Saturday, he had imagined he could have put them down on Saturday, so that they should appear on Monday's Paper. He had endeavoured to ascertain the views of as many Members as possible on that subject, and it was only on Friday that he was able to come to what he thought was a satisfactory conclusion upon it. The Amendments would, however, be in print that night, and would appear on the Paper. Generally, he might say that he had ascertained that some further limitations with reference to authorized agents were desired, and that would be the object of one of the Amendments. He found, also, that a desire was expressed—he thought at the Norwich Chamber of Agriculture—as to certain concessions which the farmers seemed willing to make. One of them was that there should be a prohibition against shooting at night time. That appeared to be a reasonable thing, and it would

that after that period the officer shall be entitled to a pension equal to two-thirds of his salary. So much for England. In Ireland those officers are treated as civil servants. Their superannuation is regulated on the principle of the Superannuation Act of 1859. They must serve for 30 years to be entitled to a pension equal to two-thirds of their salary. The Government are empowered to add a number of years' service for special qualification. I cannot state at present that the Government will bring in a Bill to increase the salaries of lunatic asylum officers in Ireland. I must first have information that the ratepayers would be willing to have a charge imposed on them for the purpose.

#### PARLIAMENT—PUBLIC BUSINESS.

MR. NEWDEGATE asked the Secretary of State for India, whether he could inform the House when the Burials Bill and the Hares and Rabbits Bill would be taken, and which would have precedence?

THE MARQUESS OF HARTINGTON: Sir, I promised last week that I would to-day state, as fully as I could, what arrangements the Government propose for the Business this week, and as far as we are able to see in advance. We have, I need hardly say, very carefully examined the state of the Business before the House, and particularly the Business for which we are responsible. We are extremely unwilling to ask the House to make any unusual sacrifices of time and energy; but we have felt, at the same time, that we should not be justified in abandoning the measures we have brought forward, which we believe to be for the advantage of the country, and for the passing of which we think there are opportunities at present which might not recur in subsequent Sessions. I have, therefore, to state our proposals with regard to the principal measures of the Government. First, as to the Employers' Liability Bill, the House expended a great deal of time and labour in Committee on that Bill last week, and I am quite sure that there are very few Members who would be disposed to waste that time and labour, or to abandon that Bill. I, therefore, hope it may not be necessary to consume much more of the time of the House for its further consideration. According to present ar-

rangements, the Report of Amendments in Committee will be considered on Monday at the Morning Sitting. Next, it is the Hares and Rabbits Bill, which the House is aware, was read a second time without a division; and I do think the House would be disposed to abandon a measure, the principle of which it has accepted without any difference of opinion. My right hon. and learned Friend the Home Secretary is also, I believe, prepared to propose some Amendments in the Bill, which, he believes, will make it more acceptable to the House, and remove a good deal of the opposition which has been entertained to some of its details. We propose, therefore, to take the consideration of that Bill in Committee to-morrow at the Morning and Evening Sitzings. With respect to the Burials Bill, although no progress has been made with that measure in the House, the House is aware it has been passed by the House of Lords. As I pointed out some time ago by my right hon. Friend the First Lord of the Treasury, it may, therefore, be possible to defer the consideration of the details of that measure till towards the close of the Session; but we think it is desirable that the House should have as early an opportunity as we can arrange of expressing its opinion on the principle of the Bill. We propose, therefore, to take the second reading of the Burials Bill on Thursday next. Much of the remainder of the Business which has to be transacted by the House before it rises, as the House will be aware, is of a character which does not admit of postponement. A great many of the remaining measures and much of the remaining Business are such as must be disposed of before the conclusion of the Session. There are the Census Bill and the Pirating Laws Continuance Bill, which is absolutely necessary should be passed. There is also a considerable part of the Estimates which have not yet been voted, and we propose to take them to-day on Monday next: and, of course, afterwards, on as many days as may be necessary. There is also the Indian Budget or Financial Statement, and I propose that that should be taken on Tuesday week. There are likewise the Commission to inquire into bribery in certain boroughs, which must be moved before the close of the Session. With regard to other legislation, the Merchant Shipping (G)

*Mr. W. E. Forster*

ONNELL said, that before the Secretary of State had come to the Question of the hon. Member for Galway, he would ask the hon. Member whether he was aware that the existing form of the Home Rule Bill in these Kingdoms were forbidden by the Home Rule Bill, that the Home Rule Bill explicitly recognized "King, Queen, and Commons," and that, accordingly, the hon. Member for Galway had not received any kind of authorization from the Home Rule Bill?

MR. SPENCER WALPOLE said, he wished to call the attention of the Committee, for a few moments, to that Vote. In the first place, there had been an increase in expenditure which could be easily explained. There had been an increase in the special purchase of the Grace's Collection of prints and drawings; there had been an increase also in the classified catalogues; and there had been—and he said it with very great pleasure—an increase in the number of visitors and readers at the Museum, and that not only in one department but in many. The number had advanced from some 620,000 to 780,000, the increase principally being in the reading and sculpture rooms. The Trustees had also provided for the electric light, in order to enable readers to have the benefit of the use of the library, not only in the winter evenings, but during such times as fogs occurred; and it was only due to the officers of the Museum to state that they had done all in their power to provide accommodation for the increased number of readers and others. It was a matter of great satisfaction to them to find the Museum in so excellent a condition; but there was still greater satisfaction to the Trustees, and he was sure also to the Committee, in the fact that the buildings at South Kensington had been so far completed as to allow of the transfer of some Collections being already commenced. It would be satisfactory to the Committee to learn that three Collections—namely, the botanical, geological, and mineralogical—would be transferred completely and entirely, if not before the end of this year, at any rate in the opening of next year. As regarded the Zoological Collection, he thought he must appeal to the Government, as it was really a matter of great importance to be liberal in their grant for the purposes of the transfer of that Collection. The Committee ought to know that the transfer of the Collections—not merely their removal, but the furniture and fittings connected with them—would amount to about £177,500, or, say, £180,000. Out of that Estimate, three sums of £20,000, making altogether £60,000, had been expended; but if the transfer was completed, a much larger sum would necessarily be required in the ensuing year, and he hoped it would be forthcoming. Under those circumstances, he appealed to the noble Lord the Secretary

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## MEMBERS OF THE DAY.

### CIVIL SERVICE ESTIMATES.

—considered in Committee.

In the Committee.)

—EDUCATION, SCIENCE, AND ART.

257, to complete the sum for Museum.

be included in the Amendments. There was also an objection taken, in connection with pheasants and foxes, to traps above ground. That seemed also a reasonable thing. He was not much in favour of spring traps in any circumstances, and he thought that an Amendment might be proposed on that point. Another and most important Amendment was one that affected moorland and waste and uncultivated land. The object of the Bill was, of course, mainly the protection of cultivated land, arable, and valuable grass land. He had been in communication with many Members who were interested in moorland especially, and he found that a limitation of the period of shooting was generally suggested by them—namely, from the 11th of December, that was to say, after grouse shooting ceased, to the end of March, which was the time for the nesting of grouse commencing—would also be a reasonable limitation. These were the substance of the Amendments which would be submitted to the House in Committee on the Bill.

MR. HINDE PALMER asked what would be the Business on Wednesday?

MR. GORST asked the noble Lord, Whether the Corn Returns Bill was to be proceeded with; and whether, seeing the Government seemed determined to persevere with the measures he had mentioned, they would abandon any further proposals for Saturday Sittings?

MR. W. HOLMS asked, when it was proposed to take the discussion on the second reading of the Endowed Schools (Scotland) Bill?

MS. ASHMEAD-BARTLETT said, the noble Lord on Friday last held out a hope of being able to promise him some facilities for the discussion of his Motion on Turkey. He should be glad to know when there was any probability of his being able to bring on the Motion.

MR. T. P. O'CONNOR asked, whether any facilities would be afforded for a discussion of his Motion in regard to "hereditary and irresponsible legislators," whose action had now caused troops to be poured into Ireland to preserve peace and maintain a law which Her Majesty's Advisers had declared to be harsh and unjust?

THE MARQUESS OF HARTINGTON: Sir, in reference to the Business on Wednesday, that must, of course, depend upon the progress made on Tuesday;

*Sir William Harcourt*

but if the Committee on the Hares and Rabbits Bill is finished to-morrow, hope it may be, we propose on Wednesday to take the Post Office Money Order Bill, the Grain Cargoes Bill, and the English and Scotch Census Bill. The hon. and learned Member for Chatham (Mr. Gorst) asked me about the Corn Returns Bill, and my right hon. Friend the President of the Board of Trade informed me that this is a Bill which has been brought forward at the request of a part of the agricultural community; it is not a Bill which can be persevered with in the face of opposition. I should be very glad to proceed with it, but much will depend upon the nature of the opposition. I have been asked a Question as to the intention of the Government with regard to Saturday Sittings; but I should not like at this time to make any pledge with regard to them, but if the House desires to proceed with any Business on Saturday, the Government, of course, will not be disposed to stand in the way. Until we can form a more definite opinion as to the probability at the end of the Session, it would not be wise to press the House to meet on Saturday. As to whether I shall be able to bring on the hon. Member for Eye (Mr. Ashmead-Bartlett) an opportunity of discussing Afghan affairs—[Mr. ASHMEAD-BARTLETT: Turkish affairs.] Turkish affairs. I have already stated the arrangements till to-morrow week, and I do not think it is possible to forecast arrangements beyond that time. No doubt, before the close of the Session, the hon. Member will have opportunities upon going to the Supply of raising that question; but I do not think it is possible to name a day at the present moment.

MR. BERESFORD HOPE complained that the noble Lord had neglected to answer the Question of the right hon. Baronet (Sir Stafford Northcote) in regard to the Expiring Laws Continuance Bill. He should like to ask whether the Universities and Colleges Acts would be proceeded with?

SIR GEORGE CAMPBELL asked whether he liked to know whether the present arrangement of the noble Lord with regard to the Indian Budget would be adhered to?

MR. T. P. O'CONNOR mentioned that the noble Lord had not answered a question with reference to hereditary and irresponsible legislators.

ually that there was no space in the Museum, but that they would have to consider the matter. He gave him (Sir Barttelot) then to understand that the new arrangement of the Museum would require more space available in the building, and he would say another year whether the space would not be allotted for that. He, therefore, would take the opportunity of asking him the question, as he understood it, whether the collections had been moved away, and were to be moved away, to South Kensington, and that that removal would not till the spring of next year. That were so, he thought the opportunity was favourable to impose upon him that the accommodation which so many had asked for, was provided.

LANDS said, that he took a great interest in the Museum; but he did not think it was necessary to keep the collections in a general Collection of that kind. He was hardly able to tell himself what the noble Lord would say to the Treasury had put the matter in regard to the expenditure of the Museum. If that Institution was unduly restricted as regarded the purpose of purchasing specimens that might be necessary to complete the Collections, that was not, he thought, to be done by granting those funds. So far as himself was concerned, he did not think that an expenditure of the funds for such a purpose was an expenditure of a perfectly just character. They ought not to be prevented from obtaining possible valuable specimens in the branches of art and science, because they wished to refrain from spending money. On that account, he did not agree with what had been said from the noble Lord (Lord Cavendish) as regarded that. With regard to the disposal of the specimens, he wished to say to the right hon. Gentleman that for Cambridge University (Mr. Walpole) and the other residents of the British Museum that he believed, a great number of the residents of this country would consent to grant money for the purchase of great Institution, they felt that advantages were enjoyed principally by the residents in the Metropolis,

and that it was, practically, of little service to the inhabitants of other parts of the Kingdom. The inhabitants of the Metropolis, having the great advantage of the Museum Collections, it did seem to him that they ought to be willing to assist the large centres and larger towns in the country, where Museums had been established, principally by the munificence of private benefactors, by supplying them with the duplicate specimens of the British Museum. Of course, in the first instance, Edinburgh and Dublin should be attended to, and then such places as Manchester, Liverpool, and Birmingham, and afterwards the smaller towns, where Museums had been established. It was of the greatest possible consequence that those central Institutions should, while being supported with liberality by the country, also be of considerable assistance to the different localities in other parts of the Kingdom. He ventured to submit those views to the Committee; and if the Trustees would come down and ask the Secretary to the Treasury for larger grants for such purposes as he had referred to, he was quite sure that the Committee would be willing to vote what might be necessary. Such Institutions ought not to be dealt with parsimoniously by that Committee; but, on the other hand, they should receive the most liberal support. He regretted that the hon. Member for Cricklade (Mr. Story-Maskelyne) had, instead of going, in the first instance, to the Trustees, come down to the Committee and impressed upon them the necessity of making additional advantages to the salaried officers of the Institution. He must say he regretted that Committee of Supply should be employed as a means of bringing pressure to bear upon Members of the Government for an increase in salaries. [MR. STORY-MASKELYNE: The hon. Member misunderstood my remarks.] He begged the hon. Gentleman's pardon; but he quite understood from him that there were two causes of complaint. One was that some of them ought to have residences. If there was any officer of the Museum then in possession of a residence, he quite agreed that if he was required to remove to South Kensington he should be still furnished with a residence in some form or other. But he understood that the hon. Gentleman went further than that, and said that certain officers

to the Treasury to consider carefully whether he could not provide a liberal grant, in order to facilitate the removal of the Zoological Collection, so that the whole Natural History Collection might, as soon as possible, be arranged in its new home.

MR. STORY - MASKELYNE said, before that Vote was passed he should like to ask a question which he had previously put on the Paper. It was as to whether the Government adhered to their resolution not to provide residences at the new Museum for some of their officers? It was not an extravagant request that two or three residences should be provided, and he asked for them on what he believed to be reasonable grounds. In the first place, there was the question of custody. At present they intrusted the keeping of the Museum to the police; but there was no accommodation for any officer at the Natural History Museum. He thought it was necessary that someone should be on the premises to exercise superintendence in case of a catastrophe such as fire or burglary. He wished to ask, whether the resolution of the Government was final and irrevocable as regarded residences? and before adverting to the Collections, he should like to say one word on behalf of the gentlemen of the Museum, who deserved something at the hands of that Committee. The officers of the Museum were not highly paid, considering they were men of high accomplishments. While they cheerfully accepted that position, they had a right, at any rate, to residences, so far as these were a part of the terms of their employment by the Trustees. It was understood that an officer, under certain circumstances, as his turn came to him, might refuse or accept a house. At the present moment, one of the gentlemen who was attached to a section that was removed to South Kensington had a house at Bloomsbury. He apprehended that if he were turned out from there he would be provided with another. He wished to remind the Government of that, because he thought they might well re-consider the judgment he had understood them to have given in the matter. He wished to say one word upon another subject. He was an old officer of the Museum, and felt a deep interest in all things connected with it. Three whole Collections, and part of

another one, were being transferred to the new Museum, and in the transfer the Collection of Minerals not a single specimen—and he knew them individually—had thus far received any injury. He thought this redounded greatly to the credit of the officers, who transferred a great Collection of delicate specimens so carefully to their new home. Those officers had, by being there at 6 o'clock in the morning, working hard, got so far forward in their task that he believed they would get the whole Collection in before September. He referred then particularly to the Mineralogical Collection. Botanical and Zoological had not advanced so far in the matter of removal, but they were in a forward state. He wished to refer to one matter which he believed his right hon. Friend Member for Cambridge University (Mr. Spencer Walpole) had not alluded to. He wished to refer to the great success of the electric light at the Museum. [MR. SPENCER WALPOLE said, he alluded to that subject.] He (Mr. Story-Maskelyne) regretted that the marks which fell from the right hon. Gentleman had not reached him. He would say that the light in the public Library was perfect, as regarded comfort; and he thought that the country owed something to the principal Librarian—Mr. Bond—for the promptitude with which he had adopted the electric light for the benefit of readers, and the Trustees, who had so energetically carried out the proposal. He trusted that those officers of the Museum who were entitled, prospectively, to residences as they fell vacant, would, being transferred to South Kensington, be provided with them.

SIR WALTER B. BARTELOT said, he wished to ask his right hon. Friend the Member for Cambridge University (Mr. Spencer Walpole) one question. About three or four years ago he was invited to impress upon him—and he had been asked to do so by a large number of people—the absolute necessity there was of providing some refreshment place within the British Museum. Ladies and others who remained there at work during the day for a considerable time had no opportunity of getting anything, for except at a public-house there was no refreshment place in the neighbourhood. The right hon. Gentleman

*Mr. Spencer Walpole*



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who had not residences already should have them, and also, further than that, an increase of salary.

MR. STORY-MASKELYNE said, he believed the hon. Gentleman had mistaken what he said. What he had said was, that certain officers had residences, and he mentioned the case of a Natural History officer who had one at Bloomsbury, and that such residences were part of the understanding with the Trustees, and as they fell vacant so they were occupied in turn. It was part of the salary then, or, at any rate, of a prospective salary; and as many of the officers would be removed to South Kensington, he thought it would only be fair to them to supply them with residences in their time and turn. He had certainly not asked for any addition in the salaries.

MR. RYLANDS said, that would, no doubt, be considered by the Trustees. But he thought the hon. Gentleman had referred to increase of salary. [MR. STORY - MASKELYNE: No!] Then he begged the hon. Gentleman's pardon. But, at any rate, he had pointed out that the Trustees representing the British Museum had found it necessary, in consequence of the removal of certain Collections to South Kensington, that certain officers should be sent with those Collections, and that, by so doing, those who were entitled prospectively to residences would be placed at a disadvantage. What the Committee ought not to do was quite evident—namely, to provide residences for those who did not at present enjoy them. In regard to the recommendation of the hon. Gentleman the Member for Cricklade, he wished to say that he looked with some jealousy upon pressure being brought in Committee of Supply in order to increase the advantages of officers of the Public Service. Such recommendations should be made to the Trustees, and not to the Committee; because he knew the difficulties which surrounded the Government on account of pressure going on all round to increase the salaries of the Public Departments. He apologized for detaining the Committee, and begged the right hon. Gentleman opposite (Mr. Spencer Walpole) to consider what he had stated.

MR. BERESFORD HOPE said, that on behalf of the Trustees, he thanked his hon. Friend for the expression of

*Mr. Rylands*

confidence in them. He would also thank him for the liberal view with which he regarded the claim of the Museum upon the State for assistance. It was a great pleasure that he remembered when questions, such as a grant for the British Museum, came before the Committee, his hon. Friend always was in favour of liberality in dealing with such objects of national interest. He must say, however, that he appeared to be rather hasty upon the hon. Member for Cricklade. He would not enter into the question of the hon. Friend the Member for Cricklade had raised; but he would say that he did not think that he had gone beyond his province as a Member of that House. On the contrary, much as he regretted his loss at the Museum, still he could not help feeling that he had brought into that House with him an amount of knowledge on the most interesting questions which the hon. Member for Cricklade had raised with all his knowledge and culture could hardly lay claim to. His hon. Friend had taken that opportunity of raising the question of supplying certain officers with lodging. Whether right or wrong in his proposition, this was clearly the time for him to refer to the subject. He would assure the Committee though he felt confident his hon. Friend the Member for Cricklade required assurance, that the Trustees were, in all respects, most anxious to deal most liberally and generously with those exceedingly eminent men whose services they had been fortunate enough to secure. With regard to the question of duplicates, which had twice that evening been before the House, the question of the hon. Member for Youghal (Joseph M'Kenna) had been already answered by his noble Friend the Secretary to the Treasury. They were desirous that the treasures, such as the Museum possessed, should be as widely useful as possible to the whole country. But, after all, it came to the question whether Mahomet should go to the mountain or the mountain should go to Mahomet. As regarded the distribution of duplicates, of course, if there were genuine duplicates which could be spared from South Kensington, Bloomsbury, by all means let them be sent to Manchester or elsewhere. It was nothing more delusive than an uncultured idea of what a duplicate was. What, then, was the Museum

er? Was it a place to go and  
 nk Holiday at, or to stroll about  
 up the merest smattering of  
 or was it a great encyclopædia  
 lge, by which information was  
 ed on important subjects by  
 tive process which could only  
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 mber of specimens, and then  
 ated to the world by students to  
 a study was indispensable for  
 on? He was sure that every-  
 respected science or archaeology  
 it was the latter. The con-  
 was that any Collection that  
 y valuable must contain an  
 mber of outwardly similar  
 Such specimens were not  
 but varying specimens. They  
 y great ostensible similitude;  
 ere not really identical, while  
 minuteness of the variations  
 de them valuable. The only  
 tain real knowledge on such  
 was by comparing specimens  
 ed most minutely, and which  
 ear to the uncultured eye to be  
 It was the same with books.  
 ht be, for instance, two copies  
 in a great public library. Such  
 was not only a reading-room,  
 ustrated history of printing.  
 nstance, the familiar example  
 s' *Leviathan*. The casual  
 me public library might note  
 were two copies of the first  
 he *Leviathan* there. The gen-  
 m a provincial town then might  
 at a waste; why not give one  
 pies away to us?" The reason  
 a remarkable difference in the  
 e of this edition made the  
 of two copies necessary to any  
 library. The great allegorical  
 sh represented despotic power  
 in the frontispiece of some  
 the lineaments of Charles I.,  
 with those of Cromwell. He  
 at easily explained instance,  
 a book collector himself, in  
 n of the fallacy with regard  
 ate specimens of all kinds,  
 e, in fact, analogous specimens,  
 ld varieties of which it was  
 of scientific men to examine.  
 hat was to be done to meet  
 ble wants of provincial towns?  
 no doubt what was the right  
 o—to take advantage of the  
 h modern science gave for

literal reproduction. There were the  
 electrotpe, which enabled the rarest  
 coins in the world to be reproduced  
 with a similarity which would deceive  
 anyone but the student; and the auto-  
 type, which enabled the rarest prints to  
 be reproduced; and the old process of  
 casting, which gave the absolute repro-  
 duction of the sculpture of all ages. Let  
 the Treasury grant to the British Museum  
 and the South Kensington Museum the  
 means of reproducing these copies as  
 minutely and perfectly as possible, and  
 let them be sown broadcast over the  
 country; but let the Collections of ori-  
 ginals be kept at some central place as  
 a great school of study. Make an ex-  
 hibition of specimens in a place where  
 the learners and teachers of the world  
 might congregate to study completely  
 all arts and sciences, which they could  
 not do if the originals, which were their  
 learning books, were distributed amongst  
 the galleries in every provincial town.

MR. JESSE COLLINGS said, he could  
 assure the Committee that great dissatis-  
 faction existed in the Provinces and in  
 the great centres of industry with the  
 management of the British Museum;  
 and he did not think there would be  
 satisfaction in that matter until the  
 British Museum was put under similar  
 management to that of the South Ken-  
 sington Museum. Unsuccessful appli-  
 cations had been made for assistance to  
 the British Museum for help to these  
 centres of industry which had to provide  
 their own Collections of Art. The right  
 hon. Gentleman the Member for Cam-  
 bridge University (Mr. Beresford Hope)  
 had spoken of Mahomet having to go to  
 the mountain. That, he supposed, meant  
 millions of people in different parts of  
 the country who had need of study must  
 come to London. But that was impos-  
 sible. The people in the Provinces, al-  
 though they could not come to London  
 for the purpose of study, in no way  
 begrudged the grants to the British  
 Museum and similar Institutions in  
 London; but the time was coming when  
 such towns as Birmingham, Sheffield,  
 and Manchester would no longer be  
 content to be heavily taxed for those  
 Museums, and yet be denied any help  
 to their own Collections. In Birming-  
 ham the people were taxing themselves  
 to the extent of 1*d.* in the pound—that  
 was to say, to the utmost the law would  
 allow—for the purpose of providing an

Industrial Museum in the centre of a population of 1,000,000 inhabitants. They had industries absolutely indispensable to the welfare of the country; and yet they had to pay some thousands of pounds in aid of London Museums, while they had only permission from Parliament to tax themselves to the extent of 1*d.* in the pound for their local Museums. The sum of £24,000 had been voted in Birmingham to provide an Art Gallery and Industrial Museum—a very large sum for the people to provide without any aid, especially when they saw the large sums expended in London, and when they were told that the “mob” must come up to London for the purpose of art study, and to enjoy the advantages of institutions provided by their money.

MR. BERESFORD HOPE said, he had withdrawn the word “mob” as soon as uttered, and substituted “people.”

MR. JESSE COLLINGS said, he could assure the Committee that there was a great feeling of dissatisfaction on the part of the taxpaying classes in the Provinces at having to vote large sums of money, year after year, for the London Museums; while they had to provide, at their own expense, everything they wanted for themselves in matters connected with Art and Industrial Institutions. But those Collections were not wanted for themselves alone. They were wanted for the benefit of national industries, without which England must go down; and, therefore, it became necessary that they should be established in the centres of men engaged in those industries—in places where they could be studied daily, and where they would assist the various trades to which those men belonged. He trusted, before many years had passed, that the whole management of the British Museum would be thrown, if he might so speak, into more directly representative hands, as was the case with the Museum at South Kensington; and not till then did he believe that the country would be satisfied with the management of that Institution. In the meantime, he would suggest to the Trustees that when the next provincial deputation waited upon them, it should be received with a greater disposition to utilize, for the general good, the great treasures at their command. As he had before pointed out, the people in the Provinces did not begrudge the grants

to the British Museum, National Gallery, and South Kensington Museum. On the contrary, they would not object to see them increased, as long as the money was wisely spent. But the time had gone by when a system of art centralization could be continued; and would, before long, be forced on the Government by the Provinces that the centres of industry, who were taxing themselves to establish Institutions of their own, should receive some aid, in proportion to that taxation, from the central government.

MR. BERESFORD HOPE said, the hon. Gentleman could hardly have listened to his concluding observations, which he pointed out that when the Museums had reproduced specimens on a magnificent scale, it would be more favourable to the students of the Provinces that they should study them in one central spot than in isolated specimens.

MR. W. M. TORRENS said, that he thought that the hon. Gentleman the Member for Cricklade (Mr. Storey Maskelyne) had done his duty in pointing out that his colleagues were insufficiently rewarded. He wished to speak from another point of view equally representative. Having had the privilege and advantage for years of being a student at the British Museum, he begged to speak on behalf of the readers there, that their wants were also entitled to the consideration of the Trustees, and that if their wants were overlooked by the Trustees they were entitled to the consideration of the House. He would add, from experience of a practical kind, that the Trustees did not always seem to be acquainted with the nature of those wants. The right hon. Gentleman the Member for Cambridge University (Mr. Spencer Walpole) had justly pointed out, as subject of satisfaction to the Committee, that the number of readers had immensely increased. The Museum was not merely a collection of stuffed birds and beasts, and curious specimens. It reminded hon. Members that it was also the greatest Library in the world, and that its advantages as a place of study were inestimable. For that reason he thought it was the paramount duty of the Committee to see that the wants of the public were sufficiently provided for. Those wants, however, he took the liberty of saying, were not provided for in

*Mr. Jesse Collings*

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with their brains, were appointed to the Trusteeship, they would soon find out what was necessary, and see that it was carried out. He was aware that his hon. Friend had been so appointed; but he was an exception to what ought to be the rule. The requirements of visitors needed the presence of men who understood the working of great Institutions. He concluded by repeating that the officers of the British Museum were ill-paid, and by expressing his opinion that the Historical Collections were deplorably deficient.

MR. MAGNIAC said, he should not have intruded on the Committee, had not the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) given utterance to opinions which showed how much out of harmony were his views with those of other Members who had spoken on the subject of art. The right hon. Gentleman had stated that reproductions were duplicates. Now, he held that to be a cardinal heresy in connection with art. It was, in his opinion, utterly impossible to convey the same idea by a reproduction as was conveyed by an original work. Again, when the right hon. Gentleman spoke of isolated specimens only, he ventured to say that out of the National Collections, at least a dozen Collections could, without difficulty, be formed, and that these might, with great advantage, be distributed throughout the country. Then the right hon. Gentleman seemed to suppose that the persons in the Provinces who desired to benefit by the National Collections were able to come up to London. But that was absolutely impossible. He ventured to say that the views of the right hon. Gentleman were those of bygone times, and that until they succeeded in bringing these Collections to the doors of the working man, so that he might be able to see what could be done, they would utterly lose the benefit of their influence upon his art education. It was only within the last month that a magnificent collection of Japanese silks had been purchased by the French Government for the sole purpose of improving the taste of the workpeople engaged in the French silk manufacture. These Collections should be placed where working men could conveniently examine them. If works of art were to be reproduced, it was absolutely necessary to

*Mr. W. M. Torrens*

train the class whose business it was to reproduce them; and without a race of born workmen they could never do it. It was well known that in Paris Lyons persons were found whose families had worked for hundreds of years in the same branch of art. He hoped that the discussion which had taken place would do good; and though at any rate, it would inform the Trustees that views on art were growing which had made a strong impression on the minds of the people, who desired that a distribution of artistic works should be made throughout the country. The Collections at Bethnal Green and Manchester were proofs that no regardly spirit existed in the minds of private persons; and he hoped that an equally liberal spirit would be shown in this respect by the Governing Body of the British Museum.

MR. DILLON understood there were many duplicates in the Museum. He saw no reason why they should not be presented to the Museums in Edinburgh and Dublin and other large towns where they would be of the greatest possible service.

SIR JOHN LUBBOCK assured the Committee that no one could be more anxious to increase the usefulness of the British Museum than the Trustees themselves, who were always glad of the valuable suggestions thrown out by hon. Members. But in the matter of the sale of prints, he would like to know what the Trustees were to do? They were offered to them a Collection which was of very great importance and interest; but they were unable to get the grant necessary for the purchase from the Government. Under these circumstances, they decided to make a sale of a less important Collection, in order to procure others which were considered to be of peculiar interest. They would have been very glad to have obtained the money direct from the Treasury; but failing that, they adopted the course which they thought best for the general interest. They would all agree that the Museum should be as complete and thorough as possible. It had been suggested that the duplicates ought to be distributed amongst the Provincial Museums. The Committee, however, must be mindful not to do anything which would destroy the completeness of the Collection. That would be a

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nation.

Mr. PULESTON desired to protest against the course pursued very frequently in the House by the hon. Member for Burnley (Mr. Rylands), for he believed that in the management of the British Museum they ought not to be penny wise and pound foolish. It was not pleasant to know that an hon. Member was able to get up in his place and tell them that the Trustees were absolutely obliged to sell a valuable Collection of prints and other things in order to secure possession of another Collection. Yet it was true that in order to get for the Museum a Collection which was deemed too valuable to lose the Trustees had to sell some things of almost equal value. To illustrate further the sad straits to which the Trustees were put, he might mention that a short time ago the very valuable Collection of the United States Consul in Cyprus was offered to them at a price very much below that for which they were afterwards sold in New York. The rumour was that the Trustees regretted so much to have been unable to see their way to purchase the Collection that they were afterwards ready to send, or did send, to New York, with the view of purchasing some of the duplicates at an extravagant price. Such was the statement made at the time, and the reason assigned why the Trustees did not buy this very complete Collection, and one of peculiar interest to us now, was that the Treasury refused to grant the money necessary for the purpose. Finding, subsequently, that they had missed such a valuable opportunity, the Treasury would have been willing to have paid more than double the amount for that portion that came under the denomination of duplicates. Hon. Gentlemen might carry the principle of economy a little too far, and especially when it was applied to so great and conspicuous a National Institution as the British Museum.

Mr. HINDE PALMER had only one remark to make, and he thought it would be quite as relevant to the subject under discussion as the question of ancient monuments. A great deal had been said about the working classes having access to the works of art in the Museum. Now, there was another Museum to which that observation more forcibly applied, and that was the Patent Museum at South Kensington. He mentioned

this, because he found that in the V before them was comprised the Vote towards the Natural History Collection there. When he constantly pressed a former Parliament, to have a Patent Museum properly constructed and accessible to the people, he was always told that when a Natural History Museum was built, there would be ample space in the same building for a good Patent Museum. He now wished to ask the right hon. Friend the Vice President (Mr. Mundella) whether he could give them any information as to the progress made?

Mr. THOMPSON wished something could be done to instruct a large class of people who visited the Museum. He had noticed that the persons who visited the Museum upon great holidays, Bank Holiday, were most profoundly ignorant of everything they saw. It was lamentable to see the people wandering through those beautiful halls looking scarcely with any interest upon what they saw, and passing away without having received any information. He ventured to suggest that some persons—the officials, for instance—might take an opportunity, three or four times every day, to explain to the visitors the contents of the rooms over which they presided. He was speaking now on behalf of a large class of people; but himself had felt the value of instruction such as this. He remembered that some three or four years ago, he spent about half-an-hour in the jewel room of the Museum. He was leaving, when he was met by an old friend, the attendant in the room. He said to him, "Would you not like to see the things here?" He replied that he had something to interest him; but the attendant said—"If you will come back perhaps you will." He did go back, and the man, by information given him, the simplest but most fascinating manner kept him interested for a couple of hours, and it was with very great regret he left the room at all. He thought that if the officials would make a point of doing this at stated periods, a vast amount of instruction would be imparted in a very familiar way. They knew that now a father were to suggest to his son that he should visit the British Museum he would be answered—"Oh, not to-day, papa." But if his suggestion were acted upon, such a visit would be a pleasure.

of being, as now, very irksome. Information might be given in a pleasing form, and then a resolution would be conferred upon the House to be visited the Museum.

MR. SULLIVAN thanked the House for the Museum for a vast and important improvement they had effected. Some years ago he drew attention to the length of time which was required in procuring books for the House, who frequented the Library of the Museum. In this matter he pointed out that half of the vast numbers of books, and of the scribes and writers to the House who resorted to the reading-rooms of the British Museum, and that there was no department at the Institution which daily added to the public life of the House much useful information as was to be found in the reading-rooms. He felt it right to draw the attention of the Trustees, through his right hon. Member (Mr. Spencer Walpole), for the improvement effected in that department. Formerly, the time occupied in procuring a book for a reader was 25 minutes; but now it had been reduced to 10 or 12 minutes. Nothing but the exertion and organization which had secured that great reform, was the result of that great reform. In 1875, when he called attention to the matter, there were numbers of people who had a couple of hours at their disposal, and would have liked to spend them in study in the reading-rooms of the British Museum; but in the course of the time occupied in procuring a book they would not go at all. He felt it right to state that now, since facilities had been afforded for the attendance in the reading-rooms, the attendance at the Museum had increased by

MR. FREDERICK CAVENDISH, before the Vote was put, he proposed one or two questions which he asked him. In the matter of duplicates, it was only fair to say that he did not think they were anxious for the duplicates they had heard so much about. On that subject that night, it would be impossible for hon. Gentlemen to make a very exaggerated idea of it. As he understood it, there was a sale of duplicates, and it was under special circumstances of last year that induced the late Treasury

Board and the Trustees to make the sale. Hon. Gentlemen would remember that last year the general expenditure was a little larger than usual, and that it was very inconvenient for the late Government to find additional grants. It seemed to him they were all proud of the Museum, which would vie with any in the world. And, after all, he could not believe that that House had in any way laid itself open to the charge of a want of consideration. In respect to the question of residences for officials in connection with the new Natural History Museum, he had to say that it was not one to be regarded from a pounds, shillings, and pence point of view. He admitted that any official who had a residence in the neighbourhood of South Kensington, and lost thereby, ought to have sufficient remuneration. The matter was most carefully considered by the Government in 1874, and re-considered in 1875. And they came to the conclusion that no residences ought to be built, chiefly on account of their anxiety to minimize, as far as possible, any danger of fire. If they wished to guard the Collections at South Kensington to the utmost extent, and especially against fire, they must provide residences for the officials distinct from the Museum. It was not requisite to have the residences absolutely on the spot. That being so, he thought there were sufficient houses in South Kensington in which the officials could reside, and he saw no reason why an allowance should not be made to them. He had been asked a question with respect to the Ancient Monuments Bill. It was most unlikely that that very interesting subject would escape the attention of Her Majesty's Government during the Recess. At any rate, he would do his best to bring it before them. The question of the Patent Museum was of great importance; but he did not think it would be wise, without sufficient consideration, which the present Government had not been able to give, to embark upon a series of most expensive buildings.

MR. FINIGAN had not intended to say anything upon this Estimate; but his attention had been called to the absence of his hon. Friend the Member for Longford (Mr. Justin M'Carthy), who had intended, had he been present, to move an Amendment to this Vote. The



Amendment appeared a very reasonable one. No one could possibly visit the Museum without being struck with the terrible condition of the gilded railings which ran from east to west. It was a fine thing, indeed, to have a colossal pile of buildings situated on—what was unusual in England—a noble site. The buildings had a noble frontage; but when one was compelled to look through a sort of prison bars at the objects of interest in this home of art, industry, and science, one felt it was a sort of moral anachronism. His attention having been called to this, he would like to ask Her Majesty's Secretary to the Treasury and the hon. Trustees to the Museum whether they did not think it an eyesore—whether they thought it consistent with art, even the mixed art of the architecture of London—to have these gilded railings running east and west?—

THE CHAIRMAN: I must call the hon. Member's attention to the fact that that is not included in this Vote.

MR. FINIGAN said, he was happy to be corrected; but, at the same time, he thought that when the Trustees of the Museum, which was supposed to be, and which to a very great extent was, the home of science, and art, and industry, allowed such an unsightly thing as these railings to exist it was very wrong. But he would depart from that, because, as most of his hon. Colleagues knew, he was always anxious to be in Order. Attention had been called by the hon. Member for Ipswich (Mr. Jesse Collings) to the fact that duplicates and works of art were necessary for the various large towns and cities of England. He was doubly obliged to the hon. Member for Ipswich. Hailing, as he did, from that centre of liberality in England—from self-made Birmingham—hailing, as he did, from that great town, and representing, as he did, the popular wishes of England on this great question of art and science, he regarded what the hon. Member said as something which ought to be listened to not only by the Members of the Government, but by the Trustees of the British Museum who were present. Art, now-a-days, in England was necessary for the development of industry, and the art of the country, they all knew, did not reside exclusively in London. Birmingham claimed, in the manufacture of iron, a large share

*Mr. Finigan*

of the pursuit of art. Liverpool, Manchester, Bradford and Leeds, and all the large centres of industry, claimed to hold their own, in these modern times of keen competition, when the incident of birth was being greatly remedied. The country demanded that whatever art England could produce by the best means should be fairly distributed amongst the people who had to contribute the money for it. He, therefore, thanked the hon. Member for having brought under the notice of the Committee a most urgent necessity in the interests of art—in the interests of science because in the interests of industry. He quite agreed with the hon. Member that when England lost her facile mode of sending off cheap, but still well-made goods, when once England lost the use of using her hand, combined with intellect, England was outrun, not only on the Continent, but in the race of industry throughout the world. Therefore, it was a very serious thing that they should consider what the hon. Member had laid down—namely, that it was not only beneficial, but absolutely necessary, that art should be advanced throughout the country by means of sale, exchange, or loan of these duplicates; and he trusted that the members, or, rather, the Trustees of the British Museum, would seriously consider the matter. He did not hold that the Trustees were in the position which they ought to occupy by the spirit of the constitution of the House; and he thoroughly repudiated the idea of the hon. Member for Burnley (Mr. Rylands) suggesting that the country should be content with the existing Trustees. The hon. Member's views were supposed to rest on a liberal basis; but, looking at his suggestion, it did not seem to him that though he were arguing quite in accordance with his principles. They should have for every Institution in the country a representative and responsible Body—a Body responsible to that House, and he, therefore, trusted the Government would consider the advisability of altering these Trusteeships, and making them more in accord with modern ideas by making them thoroughly representative.

THE CHAIRMAN: The Question is—

MR. FINIGAN said, he would delay the Committee much longer.

divide!" He would allow the Committee to divide when he had said it was right. He, as one living in the arts and sciences, and as this Museum, claimed to be on the side of modern progress, on the side of Whig ideas, or of conservative notions. Attention had been called by the hon. Member opposite (Thompson) to the necessity of having, on Bank Holiday and other holidays, someone to show the various treasures, lying in the Museum, speechless, whilst the people, through the different Galleries, was a very wise idea, and that if there were any members connected with the sciences who would give up their time, or who would pay some office to deliver popular lectures on the different departments of art connected with the Museum, it would be a good thing. It was absurd to suppose that the visitors to the Museum from the city, or from the suburbs of London, once walking through the Galleries, teeming with scientific treasures, could learn anything what- soever that was to be learned there. It was quite possible if they had a systematic programme drawn up, and that there would be a lecturer on each subject and that, at a certain hour, the public would attend them, and something of the great treasures within the Museum. He was not far distant from the period when the British Museum, when every Institution supporting Imperial rates, would be open every Sunday, and the public in this way made familiar with the Museum should not wish to see a con- siderable Conservative system prevail in regard to the Museum, but he desired to see substituted that open and life-giving modern Liberalism, which should be represented truly by opening to everyone the art and scientific treasures for which the nation paid. Mr. EMAN did not propose to draw the attention of the Committee to the length of time. He merely said, with reference to what had been said from the hon. Member for London (Mr. Puleston), that the hon.

Member seemed to be under a misapprehension with regard to the sum of money raised by the sale of duplicates to which he had referred. It was only fair to the Committee to say that, as a matter of fact, the sum raised by the sale of duplicates was £2,000. The sum asked for the Collection to which reference had been made was £8,000. With regard to the question he had put to the Government early in the evening, it was not proposed to press the matter further at present. But the country in general had the matter deeply at heart, and the Trustees of the Museum might be assured of this—that the public would not let it drop.

Mr. BIGGAR said, he had had the advantage of hearing the whole of the discussion on this matter, and it really seemed to him to be most important, and he was surprised that the noble Lord the Secretary to the Treasury was not more impressed with it. The most important question in connection with the Vote was that with regard to duplicates. What was the advantage to the nation of the British Museum as it at present existed? It was extremely good as a show place for visitors who came to London; but it was scarcely ever visited by the residents in London, or by the great bulk of the inhabitants of the country of all grades of society. In point of fact, it might as well not exist. He would appeal to the Government and the Trustees of the Museum to make it much more for the public advantage than it was at present. If the authorities would give, as it was now suggested they should, duplicates of all the curiosities in the British Museum to the Provincial Museums of England, Ireland, and Scotland, the result would be that the whole country would have an opportunity of seeing them, and of, more or less, educating themselves; and when country people came to town they would appreciate the originals when they saw them. What was the state of things now? A visitor came to London with a ticket available for, say, 14 days. He came up to London anxious to see the sights of London. Amongst other places, he went into the British Museum; but he could not afford to spend more than from half-an-hour to a couple of hours there. So far as the educational benefit to the visitors was concerned, there could be none at all in such a case as this. To illustrate what he meant, he

would refer to an instance which had come within his own observation. Years ago he took a friend of his to see the Museum, and this friend, after the visit, carried with him no idea at all of what he had seen. They walked through the Galleries, and saw the different sights in the space of half-an-hour. All his friend could say, when he went back to Ireland, was that he had seen the British Museum; but if he had had an opportunity of seeing duplicates, casts, and engravings of the different things exhibited in the Museum at home, his taste would have been educated, and he would have appreciated his visit to the National Collection. The hon. Member for Ennis (Mr. Finigan) had mooted the question of the opening of the Museum on Sunday. To his (Mr. Biggar's) mind this was a matter of great importance, inasmuch as the great mass of the people had their occupations during the week, and they did not go sight-seeing, unless there was something very unusual to excite them. But on Sunday, when they had been to Church, the remainder of the day rather hung on their hands. He would really urge upon the Trustees to open the Museum on Sunday afternoon, so that the inhabitants of the Metropolis might have an opportunity of seeing what was to be seen; because the truth of the matter was, as he had said, the great bulk of the inhabitants of the Metropolis were not able to visit the Museum from one year's end to the other. The people who saw the Museum, and the curiosities it contained, now, were, first of all, the students, who took drawings of the statuary, and then the readers, who visited the reading-room. The great mass of the people of London—the bulk of them—never so much as looked inside the doors of the Museum. The sum of £118,000 to keep up this place seemed to him a very large one; but it was, perhaps, not generally known to the Committee that of that £118,000 Ireland contributed some £14,000 or £15,000. It seemed to him altogether unreasonable that they should contribute that amount to an Institution in London, simply that a few people who came from Ireland as excursionists might have an opportunity of visiting it, especially considering that affairs were conducted on so stingy a scale that, instead of making a gift of a small number of duplicates to Ireland as a recompense, they were sold

for the low sum of £3,000 a-year, thought it would be well if the rities became more liberal in dealings not only with the of London, but the people of I and the Provinces, and allowed to visit the Museum on Sundays; after all, these people contributed a greater part of the money. If duplicates could be distributed as suggested, it would be beneficial to manufacturing towns of England, would be beneficial to Ireland—t of the manufacturers in Dublin. and Edinburgh should become, n less, show-places as well as Lond

MR. ARTHUR O'CONNOR to draw attention to the fact th appropriation of money realized sale of duplicates of articles in t session of the Trustees was an departure from the rule which go public accounts. The Departm the Navy, when they sold stor counted for the money in the prop to the State. He could not unde what reason the Treasury could h departing from the general rule case of the British Museum.

LORD FREDERICK CAVEN stated that the Trustees of the Museum were not treated excepti but had to account for the mon received.

MR. ARTHUR O'CONNOR that if the British Museum coul forward and obtain £118,000 a-y the purchase and exhibition of ob art and science, and could supp that sum up to a figure they t desirable by the sale of duplicat Government were allowing a which might prove dangerous. noble Lord had said that the T could not do this, and he had sp the sale of duplicates, when he v his legs before, as a very unusu ceeding. In the Estimates befor the Committee would find it w mated that £3,000 would be r this year for the sale of duplicat if they went back to last year they find that a large sum was realized same way. The practice was not u therefore.

LORD FREDERICK CAVEN repeated, that the Trustees of the Museum were treated in exact some way as any Government I ment. The whole of the sur

Mr. Biggar

had been discussing was in the account for the financial only sum realized last year. Trustees was a very small one of duplicates of coins.

MR. WILSON said, that in the course of the debate which had occurred the other day, Her Majesty's Government declared it to be their intention to establish a Museum in Dublin, and, if possible, to get some opinion from them as to whether it was likely to be of service. If the Museum were established, duplicates as those to which had been made might, with some care, be handed over to it as a valuable addition. He regretted very much to see that opportunity, which might never be again, neglected, and these duplicates to be sacrificed for the sake of the Estimates. There were any more, he should like to see them handed over to the Dublin Museum. There was a kindred matter which he wished to draw the attention of the Lord the Secretary to the Treasury to. He would, probably, know something of it. There were in existence many valuable Irish manuscripts—many duplicates they were talking of—papers of great value which had been reproduced. He had been told that some of these had been obtained by this country, foreign Governments having been allowed to be possessed of them by paying a price for them than was offered by the British Museum. It would be a matter for much regret if the British Museum lost these duplicates because foreign Governments had a keen appreciation of their value. He hoped the Trustees would attract their attention, and that, if no such manuscripts as those referred to would be allowed, as a principle of false economy, to be sold to England, or Ireland, to the country they belonged.

MR. STANLEY WALPOLE said, that the Motion was actually put, and he liked to say a few words in reply to the observations which had been made by various hon. Members. On all other occasions, he had to attend to the different points which had been raised—some of detail, some of principle—in regard to this matter. As to matters of detail, he would not trouble them now, since he would

have to communicate with the Trustees, when they met, with regard to them. He could promise, however, that these points would be carefully considered. The only point to which he wished to turn—because he saw it was one on which there was some misapprehension—was that with regard to duplicates. The Trustees had never failed to take an interest in this subject. When the last Act of Parliament was in progress it was pressed upon the Trustees, by the Vice President of the Council and the President of the Board of Trade, that something should be done in the matter. Ultimately, with the concurrence of the Trustees, a clause was inserted in that Act, enabling the Trustees to dispose of duplicates by gift. In consequence of that clause being put in the Act pressure was very properly brought to bear on the Trustees with reference to it, and the whole matter was referred to the Heads of the different Departments. He should very much like that their Reports should be brought, in some way or other, to the knowledge of the Committee, and, no doubt, they might be communicated when anything was mooted on the subject hereafter. In the meantime, he could only say this—that this question was a very perplexing and difficult one. When they came to consider it, they would find that they had got to examine not only hundreds, but hundreds of thousands, of different subjects in the various Departments of this great Museum, all of which must be compared carefully before they could arrive at a solution of the question, and say whether certain specimens were duplicates or not. He did not wish to go at length into the question at this moment, for he could not explain it in less than half-an-hour. He would not trouble the Committee further than to make this one remark—take simply the question of books. They had 15,000 or 16,000 so-called duplicates. But it would be necessary to examine how far they were duplicates or not. The Museum was a great depository of knowledge. It was, or ought to be, a great centre of literature and science, in which everyone could have an opportunity of studying anything and learning anything to which he pleased to direct his attention. It was, therefore, necessary that they should have not merely every book they could get; but, in many instances, it was abso-

lutely necessary that they should have more copies than one, because, if they had not, dozens of students who required the same books at the same time would be disappointed. Then, take another case. Great Collections were given to the Museum, like "The Kings Library," "The Grenville Library," "The Bankian Library," and so on. Some of these had been given on the condition that the Collections should be preserved for the public use to all posterity. The Trustees could not touch them. Even if they were duplicates, in some instances, they must be preserved. They had to be kept for general use. He might go on to examine the question in a variety of other ways, and as regarded other specimens; but, perhaps, the Committee would take it for granted, at least under the circumstances just detailed, that it had not been from want of will, but from the difficulty of making the selection of specimens, that so little had been done in the matter of disposing duplicates by gift. With this assurance, he trusted the Committee would give him credit for earnestness when he said that he would take care that the matter was carefully brought under the notice of the Standing Committee. It might be doubtful whether they could do much; but he had no doubt whatever that they would give their best attention to the subject, and if it was decided upon to do anything in the matter it would give him great pleasure to be able to announce it.

*Vote agreed to.*

#### CLASS I.—PUBLIC WORKS AND BUILDINGS.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £12,836, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for erecting and maintaining new Buildings, including Rents, &c., for the Department of Science and Art."

MR. RYLANDS said, he had a Notice on the Paper that he should move to reduce this Vote by the sum of £2,000. His object in doing so was to secure from the First Commissioner of Works an explanation with respect to a matter that had been brought to his notice in connection with this Vote. He understood that the sum which the Committee were asked to vote included the amount

of £2,000 paid in the form of salaries. Of course, if he had been misinformed as to that fact, his objection to the Vote would entirely fall to the ground. On the other hand, the information he had received was correct—that the salaries of certain officials, amounting to £2,000, were classed under the Vote for New Buildings at South Kensington, and did not appear in the detailed statement of expenditure—then he was bound to say, so far as his recollection went, that he was entirely unaware of any Vote of that character in the whole scope of the Civil Service Estimates; and he was also prepared to say that the fact of a Vote of £2,000 being concealed under the Vote for Buildings at South Kensington was altogether contrary to the proper rules which ought to be observed in the preparation of the Estimates to be laid on the Table of the House. How was it possible for hon. Gentlemen to consider the Estimates in Committee unless they were laid on the Table in such a form as to enable them to understand the meaning of the expenditure? Of course, he had supposed, in voting last year, this sum for new buildings at South Kensington, that the £2,000 was to be expended for that purpose. But it seemed that, during the time he had taken an interest in these Estimates, this £2,000 a-year, paid in the form of salaries, had been entirely concealed from the knowledge of the Committee, as it had certainly been concealed from him. He had not himself discovered the fact; it had been brought to his notice by a statement which appeared in *The Pall Mall Gazette* some few days ago. He had, in consequence, taken it as his business to inquire whether the statement, which seemed to him entirely incredible, was correct or not. He had been informed that it was correct. His right hon. Friend the First Commissioner of Works, although he had applied to him for an explanation, was in no way responsible for what had now been remarked upon, because the £2,000 was in the form in which it had been for some time past. He had made no charge against any hon. Member, but simply said that the £2,000 had been laid upon the Table of the House in a manner calculated to mislead hon. Members. He found that £2,000 a-year were paid for salaries in the Office of Works—that was the

*Mr. Spencer Walpole*

m represented the salaries of engaged in superintending of new works at South Kensington. He wished to call the attention of the Committee to the fact that hon. Friend the President of the Board of Works had under him a staff of very capable and experienced officials, who had charge of buildings generally under the control of Government, and if the First Commissioner were to undertake to carry out works whatever, he presumed it would be superintended by the Works officials. But in the case of buildings at South Kensington a different course had been adopted; although they had an Establishment in the special purpose of erecting works erected under the control of the Government, at South Kensington they had a separate Board of their own. Therefore, it was his opinion that, under the present system, had been paying over £2,000 an entirely separate Board of Works. He pointed out to the Committee during the last six years the sums of money had been spent on building in the Science and Art Department:—In 1875-6, £2,077; 1876-7, £2,598; 1877-8, £3,380; 1878-9, £3,790; 1879-80, £17,245; and, as appears in the Estimates of the present year, £20,000. Out of this total of £20,000, without the knowledge of the Committee who passed these Votes for the last six years, they had paid no more than £12,000 for superintendence of buildings. Therefore, taking the average of the first three years of the present year, the expenses of superintendence came to more than 67 per cent during the whole term to more than 67 per cent on the expenditure. He stood upon the exact accuracy of the figures, which were taken from the Estimates to which he had referred; and maintained, it required some explanation to justify the present system in asking the Committee to vote £5,000 for new buildings, out of which £2,000 were actually voted for the salaries of the staff. He might also point out the cost of superintendence by the Board of Works of new buildings on the average, to about 4 per cent of the cost of the buildings. In this Vote, they were actually paying 67 per cent as salaries for super-

intendence. He did not know what explanation could be given of this. No doubt, in former years, when a much larger amount of work had to be performed, there might have been some justification for those salaries. It seemed, however, that, whenever a new officer was appointed, and a new Establishment created, there existed such a great temptation to continue them year after year that it required much watching, on the part of the Committee of Supply, to insure that they were not allowed to continue beyond the time which their necessity justified. It was quite clear that the Committee could not take the Estimates of the Government as correct if they were presented in the form of the present Vote; and, therefore, he hoped for an explanation from the right hon. Gentleman of the circumstance he had referred to. He begged to move the Amendment in his name.

Motion made, and Question proposed,

"That a sum, not exceeding £10,836, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for erecting and maintaining new Buildings, including Rents, &c., for the Department of Science and Art."—(Mr. Rylands.)

MR. ADAM said, it was true, as stated by his hon. Friend, that the salaries of General Scott and his staff were included in the Estimate. This had always been the case, and he believed that it had always been understood by the Committee that such was the case. He did not, however, say that he could altogether defend the accuracy of including the salary of the architect in the sum which was voted for expenditure on works. He would undertake that the matter should be carefully inquired into, with the view of ascertaining whether it would not be more desirable for the future to state the salary of General Scott and his staff separately. He did not think that any charge of extravagance could fairly be brought against the Department. The fact was, his hon. Friend had looked at this in a piecemeal way, rather than as a whole. The amount paid for superintendence in single years did appear very large. But when the matter was looked at as a whole, and spread over a series of years, and when it was considered how large an amount was originally intended to be spent in building, and how



much would have been paid to an architect in the regular course of practice for the same services which had been rendered by General Scott, so far from there having been any extravagance, it would be seen that a great saving had been effected. Had an architect been employed in the ordinary way, he would have been entitled, besides the sum payable for the staff in charge of the works during six years, to 1 per cent on the sum of £500,000—the total estimated cost of the new works intended to be erected, and for which General Scott was instructed to make sketch plans in 1874—2½ per cent on £70,000 for the library buildings and for the works going on, and 2½ per cent on £49,000. The actual saving to the country by the arrangement with General Scott had been about £4,000; and, therefore, he did not think, as far as the charge of extravagance went, that the Department was liable to it. It ought also to be remembered that these buildings were erected for special purposes; and it was thought necessary, when General Scott was appointed, that he should be retained there, because he had special knowledge of the requirements of the Department. What his hon. Friend had said with regard to keeping the salaries separate in the next Estimates was reasonable, and it should receive careful consideration; but, on the other hand, he believed he had shown that this expense would have been much greater if the work had been done in the ordinary way. Having, as he hoped, satisfied his hon. Friend upon these points, he trusted that he would not divide the Committee on his Amendment.

MR. BRADLAUGH said, as it had not been shown that the Vote included an item of £2,000 for salaries not stated, he would like to know exactly the amounts of the salaries included, in order that he might understand what he was asked to vote for?

GENERAL SIR GEORGE BALFOUR said, no one was more anxious than he to bear testimony to the importance of providing funds for insuring efficient superintendence for buildings in course of erection; but he considered it of equally as vast importance that the Committee should know exactly the cost of that superintendence. He recommended that whenever it was proposed to erect expensive buildings, such as the High Courts of Justice, or the South Kensington Museum, that

the First Commissioner of Works take upon his own Office establishment but shown separately from his Office, the salaries of the persons required to superintend the respective buildings, and by that means there be a distinct control over the amount to be paid to the several superintending officers. When the money had thus specifically voted for the superintendence of any particular building, then, as in any question arose with regard to cost, hon. Members could at once point out any fault with the arrangements made by the First Commissioner of Works. He trusted the Secretary to the Treasury would in future require these Estimates for buildings to be prepared in a different manner—namely, that they should be agreed to be paid by contract to the contractor for the several buildings, and be kept distinct from the salaries and expenses of officers for superintendence, and that the Controller and Auditor General should require the disbursements made to different persons to be separately exhibited in the Appropriation Account.

MR. ARTHUR O'CONNOR said, he wished to point out that not only the Committee been kept in ignorance of the fact that a very large percentage of the money alleged to be wanted for buildings went in the shape of salaries, but that the Controller and Auditor General—whose special province it was to investigate these accounts—was ignorant of the fact. He (Mr. O'Connor) took a great deal of trouble in investigating all these Estimates, and, in making an investigation of Parliamentary accounts he received, in spite of that, he, also, had been entirely ignorant of the fact which had been brought to the notice of the Committee by the hon. Member for Bristol. As soon as the hon. Member mentioned it, he at once turned to the Report of the Controller and Auditor General, two years ago, and found that no more than whatever was made of £2,000 being given to General Scott and his staff at Kensington. Therefore, it was that the actual appropriation of the money, which it was distinctly and peculiarly the duty of the Controller and Auditor General to ascertain and report, had been entirely kept from him, and that the Committee ought at once to obtain from that official an explanation.

*Mr. Adam*

t. The Controller and Auditor held an office of the greatest repute, and discharged his duty in which any public officer would imitate. He was certain Sir Dunbar would be horrified to find that this sum of £2,000 given in the way of salaries without his knowledge. In his opinion the Vote should be withdrawn at the present, in order that the Controller and Auditor General might satisfy the Committee as to the circumstances in which this appropriation of salaries had come about, and in which it had escaped his at-

MR. MUNDELLA said, the whole of the money had been expended on buildings which he had great interest in. He said to the hon. Member who had spoken down, that any money paid in should not be put down as for buildings, but appear in the Estimates as a separate item. But a great deal of money had been spent for structural work, which it was difficult to separate from building work. The whole cost of the Controller's department was £1,830, which included the salaries of clerks of the works, and pay for that kind, amounting to £720. The hon. Member for Burnley (Mr. Stansfeld), or any Member of the House, who had been to South Kensington Museum, would at once see that not only had the Controller prepared drawings of the architectural work, but that he had had building work done, and that the terra-cotta were being made as part of a structural character. He was satisfied that no charge of extravagance could justly be laid against the department, but could not approve of the lumping up of salaries with the cost of buildings. Hon. Members must remember that the present Government were not responsible for the Estimates; but they believed in the employment of General Scott, and expected the saving of something like £10,000. He was obliged to say that the buildings had not proceeded as he desired, and there were a number of sheds and lobbies that had a disgraceful appearance.

MR. RADLAUGH asked if he was to understand that £1,110 out of £1,830 of General Scott's department, included

in the Vote of £15,000, was for artists' models and decorations?

MR. MUNDELLA said, that was so.

GENERAL SIR GEORGE BALFOUR thought the Committee ought to have full information as to the details of all expenditure of this kind before they consented to vote a penny of the public money. He had objected to the mode in which the Estimates had been framed ever since he had been in the House of Commons, inasmuch as the salaries paid to individuals were not shown in the Vote, but were mixed up with sums paid to other individuals for works. No doubt, the account of the disbursements ought to show their respective payments; but the Controller and Auditor General was subordinate to the Treasury, by Act, so far as accepting the accounts as stated by the accounting officer, and he could not go beyond that Estimate. The noble Lord below (Lord Frederick Cavendish), was naturally jealous of the arrangements ordered by the Treasury, and stood up for the form of accounts which the Department he represented had established; but, at the same time, he (General Sir George Balfour) had given attention to the subject of Civil Service accounts, and he knew that, so far from getting such clear statements of that branch of expenditure as would place matters in as clear a light as the expenditure of the Army and Navy, they had the Civil charges lumped together in one sum, made up of different kinds of payments. In this case both the salaries of superintendents and expenses for the cost of works were so lumped together, that the Committee was unable to see what was paid to any particular person in the shape of salary.

MR. RYLANDS hoped the Committee would distinctly understand that he was not casting blame upon anybody. He was quite aware that the Estimates were prepared before the present Government came into Office, and he had no complaint to make of the course they had pursued; but, in regard to all future Estimates, it should be understood that they should set forth the salaries distinct from the sum required for works. The right hon. Gentleman (Mr. Mundella) had explained that in former years, indeed, up to within the last two years, General Scott did very valuable work in his department, and the amounts paid to him had not been excessive. The



would refer to an instance which had come within his own observation. Years ago he took a friend of his to see the Museum, and this friend, after the visit, carried with him no idea at all of what he had seen. They walked through the Galleries, and saw the different sights in the space of half-an-hour. All his friend could say, when he went back to Ireland, was that he had seen the British Museum; but if he had had an opportunity of seeing duplicates, casts, and engravings of the different things exhibited in the Museum at home, his taste would have been educated, and he would have appreciated his visit to the National Collection. The hon. Member for Ennis (Mr. Finigan) had mooted the question of the opening of the Museum on Sunday. To his (Mr. Biggar's) mind this was a matter of great importance, inasmuch as the great mass of the people had their occupations during the week, and they did not go sight-seeing, unless there was something very unusual to excite them. But on Sunday, when they had been to Church, the remainder of the day rather hung on their hands. He would really urge upon the Trustees to open the Museum on Sunday afternoon, so that the inhabitants of the Metropolis might have an opportunity of seeing what was to be seen; because the truth of the matter was, as he had said, the great bulk of the inhabitants of the Metropolis were not able to visit the Museum from one year's end to the other. The people who saw the Museum, and the curiosities it contained, now, were, first of all, the students, who took drawings of the statuary, and then the readers, who visited the reading-room. The great mass of the people of London—the bulk of them—never so much as looked inside the doors of the Museum. The sum of £118,000 to keep up this place seemed to him a very large one; but it was, perhaps, not generally known to the Committee that of that £118,000 Ireland contributed some £14,000 or £15,000. It seemed to him altogether unreasonable that they should contribute that amount to an Institution in London, simply that a few people who came from Ireland as excursionists might have an opportunity of visiting it, especially considering that affairs were conducted on so stingy a scale that, instead of making a gift of a small number of duplicates to Ireland as a recompense, they were sold

*Mr. Biggar*

for the low sum of £3,000 a-year. He thought it would be well if the authorities became more liberal in their dealings not only with the people of London, but the people of Ireland and the Provinces, and allowed them to visit the Museum on Sundays. After all, these people contributed a greater part of the money. If the duplicates could be distributed as he suggested, it would be beneficial to manufacturing towns of England and would be beneficial to Ireland—to some of the manufacturers in Dublin. Dublin and Edinburgh should become, moreover, show-places as well as London.

MR. ARTHUR O'CONNOR wished to draw attention to the fact that the appropriation of money realized by the sale of duplicates of articles in the session of the Trustees was an exception to the departure from the rule which governed public accounts. The Department of the Navy, when they sold stores, accounted for the money in the proper way to the State. He could not understand what reason the Treasury could have for departing from the general rule in the case of the British Museum.

LORD FREDERICK CAVENTISH stated that the Trustees of the British Museum were not treated in exception, but had to account for the money received.

MR. ARTHUR O'CONNOR said that if the British Museum could be allowed to forward and obtain £118,000 a-year for the purchase and exhibition of objects of art and science, and could supplement that sum up to a figure they thought desirable by the sale of duplicates, the Government were allowing a system which might prove dangerous. The noble Lord had said that the Trustees could not do this, and he had spoken of the sale of duplicates, when he was on his legs before, as a very unusual proceeding. In the Estimates before the Committee would find it was estimated that £3,000 would be received this year for the sale of duplicates; if they went back to last year they would find that a large sum was realized in the same way. The practice was not unusual therefore.

LORD FREDERICK CAVENTISH repeated, that the Trustees of the British Museum were treated in exactly the same way as any Government Department. The whole of the sum

at fraud often took place; but only afforded an opportunity for cities which ought not to exist. Illustration of what he meant, he mentioned that he was told it was in the Votes for the Navy to many men for the Service of the and then to vote so much per wages, and that then it was the to give a certain number of men the sum voted, and others much that, he thought, afforded a illustration of the irregularity of them on which the House of s voted money in Committee of and it would be well if it were or re-modelled. He regarded it ous system of management to rticular gentlemen as standing s for particular work. He that all the architects in the Service should be in the De of the First Commissioner s, who should superintend the them, and have them all under ol. General Scott seemed to en badly paid in some years for ic work he did; but in this par-ear, instead of having had one , they appear to have had seven- en, again, General Scott, in an- ar, instead of having much to ally had nothing at all. In one had only to spend a sum of £70, pending that sum he received a f £720. It was a system that oughly absurd, and could not ded. What ought to be done ommissioner of Works was that d take general General Scott s control, and see that his time erly occupied. If there was not employment for him, let him me other Department, and oc- time there. He had no wish to eneral Scott, and presumed that er was paid well for his services. ly, he was unable to say whe- as paid too much or too little; e ought to be something like us service, seeing that General as a fixture in the public em- t. If he found himself uncon- e would regard his present em- as a permanent occupation, and not attempt to do any other

ANDREW LUSK had no desire r into this discussion at any but if there was one thing more

than another which he should like to see studied in this country it was science and art. He was sorry to hear his hon. Friends niggling and finding fault in so many ways with this particular Vote, because they had now been trying for many years to do their best, both in and out of the House, for the encouragement of science and art. They might find fault with the Army and Navy if they liked, and with many other things connected with the administration of the public money; but he did not like to see them throw cold water upon science and art. Science and art should be encouraged, as much as possible, in the interests of the people; yet they heard what the Vice President of the Council said, that the building at South Kensington was a mere shed, a miserable structure, and they had not availed themselves of the opportunities they had had of doing the best they could to improve it. He rather blamed the last Government for the state in which matters now were; but for many years things had not been what they ought to have been. He appealed to his hon. Friends not to show that they were animated by any penurious feeling in the matter, because what was done was for the good of the people, and in the best interests of the community at large. He knew very well that the public would not sympathize with any interference with this Vote. He had looked carefully through the Vote, and there was nothing in it that he could find much fault with. If they wanted to encourage science and art they must vote the necessary means, and not rest content with ignorance or blindness, and think that it was bliss. He hoped they would now pass the Vote, and go on to some other one. If they desired to manifest a spirit of economy in regard to the other Votes he was quite ready to go with them.

GENERAL SIR GEORGE BALFOUR said, he had brought the bad form of showing the Civil Service expenditure under the attention of the Committee, because he thought it was desirable they should know that the statement of the disbursements did not show what they were really paying for. He had certainly not desired to speak of such an able public officer like Sir William Dunbar as a mere machine or a mere tool of the Treasury. God forbid that he should ever seek to cast any reflec-

lately necessary that they should have more copies than one, because, if they had not, dozens of students who required the same books at the same time would be disappointed. Then, take another case. Great Collections were given to the Museum, like "The Kings Library," "The Grenville Library," "The Bank-sian Library," and so on. Some of these had been given on the condition that the Collections should be preserved for the public use to all posterity. The Trustees could not touch them. Even if they were duplicates, in some instances, they must be preserved. They had to be kept for general use. He might go on to examine the question in a variety of other ways, and as regarded other specimens; but, perhaps, the Committee would take it for granted, at least under the circumstances just detailed, that it had not been from want of will, but from the difficulty of making the selection of specimens, that so little had been done in the matter of disposing duplicates by gift. With this assurance, he trusted the Committee would give him credit for earnestness when he said that he would take care that the matter was carefully brought under the notice of the Standing Committee. It might be doubtful whether they could do much; but he had no doubt whatever that they would give their best attention to the subject, and if it was decided upon to do anything in the matter it would give him great pleasure to be able to announce it.

*Vote agreed to.*

#### CLASS I.—PUBLIC WORKS AND BUILDINGS.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £12,836, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for erecting and maintaining new Buildings, including Rents, &c., for the Department of Science and Art."

MR. RYLANDS said, he had a Notice on the Paper that he should move to reduce this Vote by the sum of £2,000. His object in doing so was to secure from the First Commissioner of Works an explanation with respect to a matter that had been brought to his notice in connection with this Vote. He understood that the sum which the Committee were asked to vote included the amount

of £2,000 paid in the form of salaries. Of course, if he had been misinformed as to that fact, his objection to the Vote would entirely fall to the ground. On the other hand, the information he had received was correct—that the salaries of certain officials, amounting to £2,000, were classed under the head of New Buildings at South Kensington, and did not appear in the detailed statement of expenditure—then he ventured to say, so far as his recollection went, he was entirely unaware of any Vote of that character in the whole scope of the Civil Service Estimates; and he was also prepared to say that the fact of a Vote of £2,000 being concealed under the Vote for Buildings at South Kensington was altogether contrary to the proper rules which ought to be recognized in the preparation of the Estimates to be laid on the Table of the House. How was it possible for hon. Gentlemen to consider the Estimates in Committee unless they were laid on the Table in such a form as to enable them to judge of the meaning of the expenditure? Of course, he had supposed, in voting, after a year, this sum for new buildings at South Kensington, that the money was to be expended for that purpose. But it seemed that, during the time he had taken an interest in these Estimates, this £2,000 a-year, paid in the form of salaries, had been entirely concealed from the knowledge of the Committee as it had certainly been concealed from him. He had not himself discovered the fact; it had been brought to his notice by a statement which appeared in *The Pall Mall Gazette* some few months ago. He had, in consequence, made it his business to inquire whether the statement, which seemed to him absolutely incredible, was correct or not. He had been informed that it was correct. His right hon. Friend the First Commissioner of Works, although he applied to him for an explanation, in no way responsible for what he now remarked upon, because the Estimates were in the form in which they had been for some time past. Indeed, he made no charge against any Gentleman, but simply said that the Estimate had been laid upon the Table of the House in a manner calculated to mislead hon. Members. He found that £2,000 a-year were paid for salaries in the Office of Works—that was to a

*Mr. Spencer Walpole*

submitting the amount. The Committee said that that revised Estimate was—

nine months of the fixing and the apparatus, when these causes of expenditure should have been fully and allowed for."

The Estimate had, however, been estimated at the sum of £7,214; the total had been £24,714, so that this was the estimated cost was in the first instance, and in accordance with which not a single rock had been laid for years, ran up in the Estimate to £17,500—and that, too, after the works were supposed to have been begun—and finally amounted to £17,500. He thought, when the details of the Estimate were made up they should have been shown to the accounting officer, seeing that the previous Estimate of £17,500 was made within the time of the completion of the works. The Committee went on to say—

The explanation furnished by the Inspector of the error in his Estimate is the delay in the completion of the work, owing to the weather, and the consequent large increase in wages and maintenance of the men. Your Committee cannot but think that the Estimates were both prepared with care and forethought by the officers appointed by the Board of Trade, although the controlling expenditure on works at a great distance from this country is a great difficulty. The Board of Trade must be held responsible for the Estimates presented by them, and it will be its duty to take such precautions against the repetition of such errors as those now under consideration."

The Committee then deliberated and authorized the Public Accounts Committee to report as to the antecedents of this Estimate, and he wished, therefore, to ask the Financial Secretary to report to the Committee if he would give the details of the sum now asked for of the works made up, and whether that included any new works for which no Estimate was sent in this year.

**FREDERICK CAVENDISH** said, that the works in connection with the lighthouses abroad were carried out at very great distances from this country, and in very inaccessible places. They were in positions that were exposed, and it would be difficult to frame Estimates that could be correct. He had no reason, therefore, to believe that the Estimates

which appeared in the present Vote would not be found to be correct.

**MR. FINIGAN** wished to ask the hon. Gentleman the Secretary to the Board of Trade, before the Vote was passed, what was the explanation of a Vote which appeared in page 57 for the salary of the Inspector for the Bahamas? This appointment was at present held by an officer in the Royal Engineers, who had been seconded. What was the meaning of that Vote?

**MR. EVELYN ASHLEY** presumed that it had reference to the position still held by the Inspector in the Royal Engineers; but he could not quite say what it was. It was not an item which came under the cognizance of the Board of Trade.

**GENERAL SIR GEORGE BALFOUR** explained, that an officer in the Army would sometimes receive a portion of his pay for services rendered in this way.

**MR. ARTHUR O'CONNOR** was afraid that there was a mistake of some kind. He found in the Report of the Controller and Accountant General, mention made of an officer, Captain Brockley, who was receiving pay for these services in 1878 and 1879. His successor, Captain Simpson, also appeared to have received pay for services in the Bahamas. He wished to know whether these officers were receiving pay when seconded, and how it was that they came to receive Army pay at all?

**LORD FREDERICK CAVENDISH** believed the fact, in the case of the present Inspector, was that he did receive Army pay up to a recent date; but in October, 1879, his salary was paid as Inspector, and he had since received no Army pay.

*Vote agreed to.*

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present—

(4.) £13,717, to complete the sum for Diplomatic and Consular Buildings.

**MR. M'COAN** said, he should wish to make a few remarks on the Vote, not with the view of opposing it, but in the hope that he might elicit from the Government some useful information with respect to it. A sum of £2,717 was asked for the Embassy Houses at Constantinople and Therapia, and for Con-

much would have been paid to an architect in the regular course of practice for the same services which had been rendered by General Scott, so far from there having been any extravagance, it would be seen that a great saving had been effected. Had an architect been employed in the ordinary way, he would have been entitled, besides the sum payable for the staff in charge of the works during six years, to 1 per cent on the sum of £500,000—the total estimated cost of the new works intended to be erected, and for which General Scott was instructed to make sketch plans in 1874—2½ per cent on £70,000 for the library buildings and for the works going on, and 2½ per cent on £49,000. The actual saving to the country by the arrangement with General Scott had been about £4,000; and, therefore, he did not think, as far as the charge of extravagance went, that the Department was liable to it. It ought also to be remembered that these buildings were erected for special purposes; and it was thought necessary, when General Scott was appointed, that he should be retained there, because he had special knowledge of the requirements of the Department. What his hon. Friend had said with regard to keeping the salaries separate in the next Estimates was reasonable, and it should receive careful consideration; but, on the other hand, he believed he had shown that this expense would have been much greater if the work had been done in the ordinary way. Having, as he hoped, satisfied his hon. Friend upon these points, he trusted that he would not divide the Committee on his Amendment.

MR. BRADLAUGH said, as it had not been shown that the Vote included an item of £2,000 for salaries not stated, he would like to know exactly the amounts of the salaries included, in order that he might understand what he was asked to vote for?

GENERAL SIR GEORGE BALFOUR said, no one was more anxious than he to bear testimony to the importance of providing funds for insuring efficient superintendence for buildings in course of erection; but he considered it of equally as vast importance that the Committee should know exactly the cost of that superintendence. He recommended that whenever it was proposed to erect expensive buildings, such as the High Courts of Justice, or the South Kensington Museum, that

the First Commissioner of Works should take upon his own Office establishment but shown separately from his Office, the salaries of the persons required to superintend the respective buildings, and by that means there would be a distinct control over the amount to be paid to the several superintending officers. When the money had thus been specifically voted for the superintendence of any particular building, then, as in any question arose with regard to cost, hon. Members could at once refer to the arrangements made by the First Commissioner of Works. He trusted the Secretary to the Treasury would in future require these Estimates for buildings to be prepared in a different manner—namely, that the salaries should be agreed to be paid by contract to the contractor for the several buildings, and be kept distinct from the salaries and expenses of officers for superintending and that the Controller and Auditor General should require the disbursements made to different persons to be separately exhibited in the Appropriation Account.

MR. ARTHUR O'CONNOR said he wished to point out that not only had the Committee been kept in entire ignorance of the fact that a very large percentage of the money alleged to be wanted for buildings went in the shape of salaries, but that the Controller and Auditor General—whose special province it was to investigate these accounts—was equally ignorant of the fact. He (Mr. Arthur O'Connor) took a great deal of trouble in investigating all these Estimates. Indeed, he made an investigation of all Parliamentary accounts he received; in spite of that, he, also, had been entirely ignorant of the fact which had been brought to the notice of the Committee by the hon. Member for Burnley. As soon as the hon. Member mentioned it, he at once turned to the Report of the Controller and Auditor General, made two years ago, and found that no money whatever was made of £2,000 being paid to General Scott and his staff at South Kensington. Therefore, it was clear that the actual appropriation of money, which it was distinctly and peculiarly the duty of the Controller and Auditor General to ascertain and verify, had been entirely kept from him, and he thought the Committee ought at once to obtain from that official an explanation.

*Mr. Adam*

made was contradicted at in the House of Commons; contradiction was in opposition knew from his own personal to be the fact. He had been make these remarks, because if those buildings at Constantinople were allowed to remain as when, unprotected, there must ere a great neglect of public should be glad, therefore, to the right hon. Gentleman who of the Vote how the matter e should like to be informed, he money asked for was to be ong the several places named? AM said, that taking into number of buildings which to provide for at Constantinople did not think the sum asked Vote for their maintenance in dition was at all excessive. hich had been voted the year the purpose was £2,680, and e this year amounted to only ne alterations were required assey House at Pera, and at and further outlay had be- ssary for painting the Secre- se, and for the renewing of utters and other repairs. In 's Hospital at Galata, also, it und expedient to make some acting upon the report of attendant there. As to the ent of works, there could t that an European officer of t was required at Constantinople after the buildings which the British Government; and py to be able to inform the er that the gentleman who ne position of superintendent tal was not a local person, but ly competent officer, who had ut by the Board of Works, services were of great use. e impossible, he was afraid, with such services, seeing the ber of valuable buildings to be looked after. The other earthquake had occurred at d the gentleman of whom he ng had to go there to report arrence—a fact, which would w the Committee that a man anding and weight was re- he spot to deal with the duties ad, from time to time, to dis- s to the question of insur-

ance, perhaps the hon. Gentleman was not aware that the British Government did not insure any of its buildings, but was its own insurer; and he did not see, therefore, why the buildings at Constantinople should be placed on a different footing. He hoped the hon. Gentleman would be satisfied with this explanation, and that the Committee would agree to the Vote.

*Vote agreed to.*

## CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

(5.) £11,748, to complete the sum for the Board of Supervision for the Relief of the Poor, and for Public Health, Scotland.

MR. ARTHUR O'CONNOR said, he wished to ask whether in Scotland poor children were allowed to enlist in the Army, and whether their relations were allowed to come before the Board and express their consent, or otherwise? He knew that in England children were allowed to enlist as band-boys in the British Army without their relatives expressing their concurrence.

LORD FREDERICK CAVENDISH said, the President of the Local Government Board would be better able to answer this question than he could, and, therefore, he asked the hon. Member to raise it again on Report.

*Vote agreed to.*

## CLASS III.—LAW AND JUSTICE.

(6) Motion made, and Question proposed,

"That a sum, not exceeding £102,416, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office), as are not charged on the Consolidated Fund."

MR. RYLANDS said, he did not wish for a moment to raise any complaint against the gentlemen who occupied the office of Official Referees. Hon. Members were constantly placed in a difficulty when discussing the question of salaries to public officials, in being met by the imputation that they were casting some reflection upon the

point, however, to which he wished to draw the attention of the Board of Works was this—£15,000 was charged for new buildings, and upon that expenditure they were called upon to pay a sum of £2,000 as the salary of the director of the works.

MR. MUNDELLA: No, no; my hon. Friend is not correct.

MR. RYLANDS understood that that was so.

MR. MUNDELLA said, the salary was only £720; the rest was for structural works.

MR. RYLANDS asked, if he was to understand that the charge was not in reference to the new building?

MR. ADAM said, there was a clerk at a salary of £1,100 a-year.

MR. RYLANDS said, that showed how important it was that the Committee should have this explanation. He was quite satisfied with the explanation which the First Commissioner of Works had given, and he would, therefore, withdraw the Amendment.

MR. ARTHUR O'CONNOR said, the real point of the objection was this—that if they lumped together salaries and money voted for buildings, they made it the direct interest of the officers receiving such salaries to secure that the buildings should proceed at the slowest possible rate, in order that they might continue to receive their salaries for the longest possible period. That was the objection he entertained to the present system. He referred to the position of the Controller and Auditor General. He believed that that officer would strongly resent any attempt on the part of the Treasury to control him. In the Report on Public Accounts, put in by the Controller and Auditor General, there was a statement to the effect that as he was responsible, he must be allowed a considerable amount of discretion. It was perfectly certain that this officer did not know last autumn that this money went in the shape of salaries, and he had, over and over again, in Votes for other Departments, objected to the system adopted here. He, therefore, could not have known what was being done in this particular case.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. FINIGAN would not detain the Committee for more than a few moments;

*Mr. Rylands*

but he thought the Treasury Bench not given a satisfactory answer to hon. Friend the Member for Queen's County (Mr. Arthur O'Connor); and hoped, before the Vote was passed, that something would be done in the matter. He was surprised to hear the hon. and gallant Gentleman who sat behind the Treasury Bench (General Sir George Balfour) that Sir William Dunbar was a mere machine for the purpose of registering the deeds and votes of the Members of the Treasury Department. That was a very thing, because he had been under the belief that the hon. Gentleman was really a *bond fide* officer, told off for the purpose of keeping different accounts right; and he was sorry to hear, on such good authority, that the hon. Gentleman was a mere registering machine. He hoped the Committee would get some satisfactory assurance on this point. He was happy to hear from the right hon. Gentleman (Mr. Mundella), whom he was sorry to see in his place, that the Government proposed next year to spend a large sum of money on the building at South Kensington. The right hon. Gentleman had just told the Committee, with perfect correctness, that the present building was a mere shed. He only hoped the money would be appropriated in that way, instead of being spent upon the building in Afghanistan, or upon the police in Ireland. It would be much better to spend it upon art and science, in order that the arts of peace might be cultivated instead of the arts of war. He hoped before the Vote was passed, that the Committee would receive some explanation as to the precise nature of the duties of Sir William Dunbar.

THE CHAIRMAN: I must point out that this is not the occasion for discussing the duties of the Auditor General. We have not before us a Vote in reference to his office.

MR. BIGGAR did not know if he was right or not; but it seemed to him that the practice of voting money for one object in Committee of Supply, and spending it upon another, was an exceedingly improper proceeding. There was a good reason for believing that the same thing was carried out in other Departments; and it was really not creditable on the part of the Committee, to ask for their sanction to it. He did not mean



position to urge that these gentlemen had been put into their position in Parliament. But if Parliament wanted officers who were not retained, it was time the Committee reconsidered the position, with a view to a number of officials being retained. He, therefore, begged to move the amendment of which he had given

made, and Question proposed, "That the sum not exceeding £95,616, be granted in estimate, to complete the sum necessary for the Charge which will come in course during the year ending on the 31st March 1881, for such of the Salaries and of the Chancery Division of the High Court, of the Court of Appeal, and of the Court of Judicature (exclusive of the Office), as are not charged on the Consolidated Funds."—(*Mr. Rylands.*)

SOLICITOR GENERAL (Sir HERSCHELL) said, he was not at his hon. Friend referring to the matter, because there was no time specially alluded to in the ground of objection existed in the fees paid to the Official Referees, but to the small amount of work done. But he could assure his hon. Friend that the circumstances had entirely changed. During the presence of the four Official Referees had been occupied, almost all of them on every day during the legal term in the Vacation, and some had been unable to get through the amount of work provided for them. The fees charged were somewhat heavy; but a change had been made, and one single fee of £5 was now paid by the suitor, however long a case might last. Before that change, rather than go to the Official Referees, parties used to go to special counsel, whom, of course, they had to employ at the expense of the amount of which now came before the Official Referees. It would be impossible to discharge the services of any one of them without causing delay in the business.

INDE PALMER said, there was a class of public officers more hard on than the Official Referees were, and who did more public service than had been observed by his hon. Friend. He said that, under the present system, suitors could get the most efficient litigation conducted through-

out several days successively for the uniform charge of £5. But the work of the Referees was not confined entirely to London. They heard the evidence of witnesses in the country, and thereby saved the great cost of their having to be brought up to London. This, it would be seen, was a great advantage in the administration of justice. It was quite true that these officers at one time had not the same amount of business to do, and that had, no doubt, misled the hon. Member for Burnley. He should mention that the Referees at present had only power to investigate cases, and make a report to the Court upon them; but he believed a Bill had nearly passed both Houses of Parliament to confer upon them not merely the power which they had under the Judicature Act, of making certain inquiries preliminary to investigation by the Court, but also that of determining cases which came before them by way of reference. That, again, would have the effect of increasing the business of the Referees and facilitating the administration of justice. He hoped his hon. Friend would not think it necessary to press his Motion to a division, because he believed he would see, after the explanations which had been given, that there no longer existed substantial grounds for so doing.

MR. WATKIN WILLIAMS said, some years ago he was not prejudiced in favour of the Official Referees, and he had expressed his opinion against them in that House. But, since then, his experience had entirely altered his views on the subject. It was only fair to say that the former impression he entertained had been entirely falsified by events. He agreed with the Solicitor General in saying these gentlemen were now giving entire satisfaction, and he had to recall the opinion he had formerly expressed. It was only just to say that the Official Referees discharged their duty in a most satisfactory manner, and he should be very sorry if anyone in the House were to cast any reflections upon the services rendered by these gentlemen.

SIR ANDREW LUSK said, he had no wish to insist upon the Motion of the hon. Member for Burnley going to a division. He rose to express his dislike at hearing so many learned lawyers justifying this Vote. The hon. and learned Member for Denbigh (Mr. Watkin Williams) had, year after year, told the



tion upon so distinguished a man. He valued the long and useful services of Sir William Dunbar much too highly, and fully believed that this gentleman would be the last to consent to hold a position reduced to such an objectionable condition. But he thought the Committee of the House of Commons ought to insist upon having every detail of charge so clearly stated in the Estimates that Members should be able to know what they were voting. It was quite impossible that they could know what the exact expenditure to be voted was so long as Estimates remained as they then were. These should be so prepared that they ought to be able to see at a glance what was the exact sum paid for General Scott's salary, as well as for everything else in respect to the sums paid to other individuals.

MR. FINIGAN regretted that he should have misunderstood the hon. and gallant Member opposite (General Sir George Balfour) in speaking of Sir William Dunbar as a mere registering machine, and he would at once withdraw the expression. He repudiated the lecture which the hon. Baronet opposite (Sir Andrew Lusk), the Aldermanic Member, had given them upon their proceedings in connection with this Vote. He thought it would be as well if the hon. Member would give some of his advice to the Civic Council, of which he was a member, and try to induce them to adopt a better administration in regard to the City Trusts. ["Question!"] The question which they were discussing was not that of the encouragement of science and art. They were there for the purpose of seeing that the public money was properly spent; and, so far as he was personally concerned, so long as he could find a legitimate excuse or reason for questioning the Estimates, he should consider that he was only doing his duty in continuing to call the attention of the Committee to them. A love of art and science was all very well; but there were other and more fitting occasions for manifesting it. He wished to know whether, in the Vote now about to be taken, they were to understand that, while this large sum of money was to be given to the Kensington Museum, an equal, or relatively equal, sum would be given towards an art building in Ireland? Surely the hon. Baronet would now see that he was

really interested in art, not only in Ireland, but in Ireland. He trusted, therefore, that the hon. Baronet would withdraw the observations he had made.

Original Question put, and agreed.

(3) £6,600, to complete the sum Lighthouses Abroad.

MR. ARTHUR O'CONNOR thought that, with regard to this Vote, it necessary he should ask the noble Financial Secretary to the Treasury whether he had good grounds for supposing that the figures which appeared in the Estimates under sub-head were really approximately correct, because the history of this Vote was of inaccuracy and looseness, and strange and startling variations? The expenditure had seldom been anything like the estimated cost put before the Committee. In order to show that he was not speaking without book, he would direct the attention of the Committee to a Report issued by the Committee of Public Accounts in 1878. He did not know if it was possible for anyone, however able he might be to the administration of the Department, to use stronger language than was contained in this report. The Committee said, upon Vote 23 for Lighthouses Abroad—

"The special attention of your Committee has been called to the very unsatisfactory character of the Estimates which were presented to Parliament for the Bird Rock Lighthouse, Bahama.

It would be found, by reference to page 57 of the present Estimates, that the expenditure upon the Bird Rock Lighthouse was still continued. Committee continued—

"The Treasury refused to sanction the application of sums of money on other sub-heads in aid of the excess of £3,940 18s. 9d. incurred under sub-head A for that work, until all circumstances had been submitted to the Committee. It was explained by the Accountant-General for the Vote that the delay of more than four years in beginning the work after funds had been provided by Parliament had been due to causes beyond the control of the Board of Trade. The original Estimate of 1866 of £10,000 for the entire works appeared to have been prepared without sufficient consideration of the nature of the proposed site of the delay and difficulties that would probably occur in building on such an exposed and isolated situation."

A new and revised Estimate of £17,000 was framed in 1875, nine years later, by the present Inspector of the work.

*General Sir George Balfour*

Court which had occasionally comparatively recent times.

ARTHUR O'CONNOR hoped the Lord the Secretary to the Treasury would see his way to reduce the amount of £1,600 which was salary to one of the Examiners and the Purse-bearer to the Lord the Treasury. He, therefore, moved to reduce the Vote by that sum.

Motion made, and Question proposed, "That a sum, not exceeding £100,816, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Chancery Division of the Court of Justice, of the Court of the Supreme Court of Judicature of the Central Office, as are not provided for in the Consolidated Fund."—(Mr. O'CONNOR.)

FREDERICK CAVENDISH said, that many of the offices to which the Vote was taken would be abolished, and they ceased to be occupied by the holders; but as long as the members held their positions, he could not see how the offices could be maintained without large sums were necessary for compensation.

MR. PALMER pointed out that at the present moment, there was an Examiner, the former one having been appointed as Official Examiner notwithstanding which fact the Vote was still charged upon the Consolidated Fund.

ARTHUR O'CONNOR said, he did not admit the force of what had been said by the noble Lord the Secretary to the Treasury as to the question of compensation, inasmuch as there was no demand for compensation and there was no vested interest.

MRS. GREGORY said, his impression was that the office of second Examiner was filled up. But even if it was not, the Amendment of the hon. Member was agreed to, it would become necessary to appoint a special Examiner at a considerable cost.

MR. ADLAUGH said, there had been one Examiner for the last two years, and he objected to the Vote at the present occasion to vote for a second one.

FREDERICK CAVENDISH said, he was not aware that there had been any vacancy in the office.

MR. WATKIN WILLIAMS pointed out that if the Vote was passed, and there did not happen to be a vacancy, there would be no additional charge upon the taxpayers. As regarded that, the House was now in Committee of Supply, and not of Ways and Means; and if there was found to be no necessity to appropriate the money to this particular purpose, it would not be so appropriated.

MR. MONK thought the Amendment ought to be passed if the office did not exist, because it was unfair that imaginary reductions should be made in the estimated expenditure through taking Votes for non-existent offices in one year, and in the following year taking credit for the amount which it had never been necessary to expend.

MR. ARTHUR O'CONNOR said, he was not prepared to discuss the niceties of the procedure in Committee of Supply, and Committee of Ways and Means; but he certainly failed to see how the taking of an unnecessary Vote in Supply could fail in the long run to involve an unnecessary charge on the taxpayers.

MR. MORGAN LLOYD thought there was no doubt as to the fact of vacancy in the office of Examiners; but maintained, at the same time, that the creation of the office, *ab initio*, was a mistake. The Vote was, in his opinion, altogether unnecessary.

Question put, and agreed to.

(7.) Motion made, and Question proposed, "That a sum, not exceeding £68,996, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Central Office of the Supreme Court of Judicature; the Salaries and Expenses of the Judges' Clerks and other Officers of the District Registrars of the High Court; the remuneration of the Judges' Marshals; and certain Circuit Expenses."

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MR. THOMPSON moved to reduce the Vote by the sum of £2,740, which was set down as the remuneration of Judges' marshals. He had not the slightest objection to young gentlemen being brought up in the knowledge of their Profession at the feet of eminent Judges; but he could see no reason why they should be paid for the advantages which they so gained. Those who had been on the Circuits must have seen those

sular buildings; and as he had a personal knowledge of those buildings, he desired to point out that although their extent was considerable, the sum set down in the Estimates for their maintenance for a year appeared to him to be excessive. The buildings in question included the Embassy House in Therapia, the Embassy House or Palace in Pera, and the Consular Courts in Galata, another quarter of the European suburb of Constantinople, the whole of which buildings were comparatively new. The chief building of the group was the Embassy House at Pera, which was virtually a new structure, having been completely restored after the fire which had destroyed its predecessor in the same spot some 15 years ago. He could not, therefore, conceive why it should be necessary to expend upon it any large portion of the sum of £2,717; and the same remark applied to the Embassy House at Therapia, which was a new wooden building. The Consular buildings, being also new, could not, it seemed to him, stand in need of any considerable expenditure this year for their maintenance. But, passing from the main item which he had mentioned to the sub-heads, he found that for new works and alterations at the Embassy Houses at Pera and Therapia, and in connection with the Seaman's Hospital at Galata, the sum asked for was £305. That was, he admitted, a small sum when spread over those three separate groups of buildings, and, no doubt, its expenditure could be readily explained and defended. He might, however, observe that £250 were required for the Seaman's Hospital at Galata, and he could not understand, unless it was proposed to enlarge the buildings, why that amount should be necessary. The Vote included, in addition, an item of £450 for the salary of a superintendent of works, and that was a matter on which he should like to be enlightened. He wished to know who the person was by whom that salary was received—whether he had been sent out from England by the Board of Works, or whether it was some local person who was employed in the capacity of superintendent. He was all the more anxious to have an answer to his question upon that point, because, a few years ago, the duties of the position were performed, and the salary attached to the post drawn, by a gentleman who was

then Vice Consul at Galata, who had special qualification for structural of any kind; but who, owing to friendship of our Ambassador at Constantinople at the time, was pitched into the situation; and he could not think that the result of the appointment was at all satisfactory. The scandal, however, to which the circumstance gave rise brought about its correction by removal of the gentleman to whom it was referred, and the substitution for him of an *employé* of the Board of Works, who was sent out from London. He wished, therefore, to know whether the person who now filled the office of superintendent was an *employé* of the Board of Works or not, because if the duties were discharged by a local person, such an appointment would be regarded as unsatisfactory, and must challenge reconsideration. He felt bound, he might add, to notice the absence of some items of expenditure which ought, he thought, to find a place in the Vote. There was, for provision, he perceived, made for insurance of the buildings of which he had been speaking, and which were large and valuable. In that respect, buildings belonging to this country in Constantinople stood in a perfectly exceptional position. The Russian Embassy House there was insured, and was the new German Embassy, as was the Italian Legation; indeed, all buildings belonging to foreign Courts in Constantinople, except, perhaps, of the minor Powers, were protected by insurance, and it was, in his opinion, a great mistake not to extend the protection to the British buildings. When the Embassy at Pera was burnt down, 15 years ago, an outcry was raised when it was found that the large sum of £50,000 or £60,000, which its insurance involved, had not been covered by insurance. He might further mention that not only was that the case, but the place was left most disgraced and denuded of all means of protection against fire. There was, in connection with the building, an old fire-engine which had been stowed away in one of the out-offices; and when it was brought out on the breaking out of the fire, it was found that the old hose was entirely honey-combed, with the result that the whole apparatus was perfectly useless. He was aware that a similar result to the same effect as that which

Mr. M<sup>r</sup> Coan

for Carnarvonshire (Mr. Watkin, who, in objecting to any memorial in connection with the the Judges at Assize towns, considerable want of know-human nature. In London, ere not distinguished from ple in the street, but in the was altogether different; and d the habit of meeting them in ceremony had a very good to abolish that custom would icial to the dignity of the ad-on of justice. He dared say the t come when they would be able y with everything of the kind; that could happen the whole ust be educated up to a very er standard than was likely to d within the next century at e had witnessed what the mar-to do in Court, and could con-statement of the hon. and olicitor General that they really eat service. Their duties could rformed at the same rate by lse. They acted as secretaries ges, and were the medium of ation between them and the of the country, besides pre-tracts of the records and other He should, therefore, support

MRST said, he would not have t in the discussion, had not the earned Member for Carnarvon- Watkin Williams) addressed ittee from the Opposition side ouse below the Gangway, and ed a probability of the "Fourth eing held responsible for his s. He hoped the Government going to deal with the very economy that was proposed ver of the Amendment (Mr. ). The marshals acted as a ivate secretaries to the Judges; ough, if it came to what was necessary, all private secre-ight be dispensed with, it was d that a man had a certain ac-dignity when he had a private and he thought no one need at to the Judges. Mo doubt, d the marshals exceedingly d they had not so many officers posal, or so many luxuries in that these need be denied.

GGAR understood the hon. and gentleman (Mr. Gerst) to say

that this was a trumpety Vote. But he (Mr. Biggar) thought £2,746 a-year was a very substantial sum. He did not see why the duties performed by the marshals should not be performed by the Judges' clerks, who were selected by the Judges themselves, to their own satisfaction. At the same time, he considered that a little bit of show was not objectionable. Formerly, when he saw the Judges in their wigs and gowns, he used to be very much impressed by their wisdom and learning; but he did not now experience the same feeling when he heard how the hon. and learned Gentleman spoke in that House. However, seeing what the marshals cost, and that there was nothing to distinguish them in Court from private gentlemen, he thought they might very well be done away with, and that they did not add much to the dignity of the Judges.

Question put.

The Committee *divided*:—Ayes 36; Noes 115: Majority 79.—(Div. List, No. 99.)

Original Question put, and *agreed to*.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £58,115, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Registries of Probates, and Divorces and Matrimonial Causes, &c. in the Probate, Divorce, and Admiralty Division of the High Court of Justice."

MR. ARTHUR O'CONNOR said, he wished to draw attention to the fact that in connection with this Vote there had been, some years ago, some serious defalcations by a man named Holbeck. When these defalcations were discovered by the Treasury, they appointed two well-known officers to investigate the circumstance, the result being that they satisfied themselves as to the amount of the defalcation. The investigation was carried back to the 1st April, 1876; but the officers also satisfied themselves to that period. As, however, the accounts of the previous years had been finally passed, the Lords of the Treasury did not carry the examination to any earlier date. It seemed an extraordinary thing that, when the alleged defalcations were found to be real, upon investigation, the Lords of the Treasury should content

officers themselves. Now, he had no such intention. The question of the appointment of the Official Referees was one which had occupied the attention of the Committee on several previous occasions, on every one of which there had been almost universal testimony on the part of legal gentlemen that the scheme under which these Official Referees had been appointed had proved to be to a great extent a failure. He had laid this question before the Committee in 1878 while the late Government was in Office, and the then Attorney General (Sir John Holker) admitted that the Official Referees had entirely disappointed the expectations under which they were appointed by the Judicature Act. At that time he proposed a reduction in the Vote, and the late Attorney General said—

"The question now before the Committee was one of expenditure, and he did not see how the office of the Official Referees could be abolished without some arrangement being made for compensating the officers. All he could suggest was that if it was found that these gentlemen's time was not fully occupied, and if it should be thought that they were paid a large sum for doing a small amount of work, the best way would be to suggest that these gentlemen should be utilized for other offices."

That view was generally accepted by the Committee. But the present Secretary of State for War (Mr. Childers), who supported his (Mr. Rylands'), views on that occasion, reminded the Attorney General that the Official Referees, being under the ordinary conditions of the Superannuation Act, if they retired, would only be entitled to £300 a-year. One hon. and learned Gentleman, not now a Member of the House (Mr. Bulwer), said, so far as the Official Referees were concerned, he protested against the view that their appointment was satisfactory. The hon. Member for Coventry also said—"Every one must agree that the present system was a failure." He had, in 1878, moved for a Return on this subject, and it entirely confirmed the information contained in the former Return with regard to the amount of business done by these gentlemen. It appeared that Mr. Verey was occupied during the year ending April, 1878, on portions of 59 days. He did not give the number of hours occupied by each reference, but it would seem that it was not very great. The next gentleman, Mr. Dowdswell, held

*Mr. Rylands*

sittings on a total of 71 days. Anderson stated that he was occupied during 647 hours, and the remainder of the year. The Official Referee was occupied 491 in the course of the year. Now, he knew perfectly well that it would be no fault of these learned gentlemen that they had not more business, and that they were ready to do more business if it was brought before them. That, however, was not a matter for the Committee to deal with. They were entitled to say that if the Legislature made a mistake in passing the Act under which four gentlemen were appointed to duties for which there was no public necessity, the sooner they were removed from their official position the better. At any rate, if it was impossible to occupy four gentlemen, it might be practicable to dispense with the services of two of them. But a larger amount of work was got done by these learned gentlemen, it appeared to him altogether out of the question to continue paying their salaries to the extent of £6,800 a-year. He had a friend from a barrister, who could speak interestedly, inasmuch as he did not practice in the Courts, and who had recently stated that the failure of the system had arisen from the object of the Judges to refer cases to the Official Referees; that the Judges referred cases to Queen's Counsel as a matter of favour, and if the parties refused to act in accordance with the Judge's recommendations, they were at a certain to place themselves at a disadvantage; and that, in such cases, resulted that the business which was to be done by the Judge himself, one of the Official Referees, might tend over years. The writer went on to state that, in consequence of this, clients had been put to a great amount of expense. He would put the matter impartially. Here was a case, by, perhaps, a mistake in the draught of the Judicature Act, they called into existence four Official Referees, and for several years they had done a very small amount of public duty. He was quite willing to allow that there might have been a change for the better in the case of one or two of them. He certainly thought that if four Official Referees were not required, the cost ought not to be called upon to pay their salaries; and it was not an answer

connection with this Vote. The Rulers had undertaken the duty of displacing the late Government of placing a Liberal Administration on the Government Bench, but the Administration had demonstrated a marvellous faculty for assumption introduced by the late Government, he hoped they would do so to the Bill he had referred to. There was no reason why the same Bill should not be passed through Parliament Session, and, perhaps, the Secretary to the Treasury would say whether it was the intention of the Government to do so.

and to.

Motion made, and Question proposed,

sum, not exceeding £3,328, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries of the Office of Land Registry."

**SIR WALTER B. BARTTELOT** said, he had been seriously challenged in the Committee last year. He saw on the Government Bench opposite one or two gentlemen who took a great part in the discussion which arose on that occasion. It was stated that no work had been done in the Office of Land Registry for a period of 10 years. The gentlemen had received their salaries, but had absolutely done nothing. There were gentlemen who contributed more to that discussion than his right hon. and learned friend the Home Secretary, and his right hon. and learned friend the Secretary of War. Those two right hon. gentlemen condemned the Vote in the language that could possibly be used by the right hon. and learned friend the Secretary of War. He remarked that his impression was that the Land Registration Bill practically did no work at all. One of those unfortunate gentlemen who had introduced the law reform due to the fact that the legislation was permissive; he had hoped that the legislation would be made compulsory. His right hon. and learned friend the Gentleman opposite that strain, and finished by saying that he could not see why some gentlemen could not take place in the Committee in all events, so many clerks could not be appointed. The preliminary of State for War had

also opposed the Vote. He said that the Committee should fully understand the question before the money was voted; gentlemen who had for 10 years done nothing should be discontinued in their office. It was replied that the gentlemen in question had very little to do; but, on the other hand, it would be well to await the Report of a Committee which would probably contain some suggestion. The Committee had reported; but it appeared that the gentlemen who held the office would have nothing more to do than they had before. He ventured to say that the case ought to be taken into consideration by the Government. When they were in Opposition they clearly pointed out that they would vote for a large reduction of the Vote. He now called upon them to carry out those promises; and in order to test the sincerity of right hon. Gentlemen opposite, he should move the reduction of the Vote by the sum of £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £2,328, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Office of Land Registry."

—(*Sir Walter B. Barttelot.*)

**MR. CHILDERS** said, his hon. and gallant Friend (*Sir Walter B. Barttelot*) had challenged him with reference to what he had said last year upon the subject of this Vote. He would state, most unreservedly, that he had not changed in the opinion he had expressed last year, and that the present Government would be under the responsibility of dealing with the matter. They did not consider the constitution of the Office satisfactory, and he trusted that next Session they would see their way to give effect to the opinion expressed last year.

**MR. ARTHUR ARNOLD** said, he hoped the hon. and gallant Baronet (*Sir Walter B. Barttelot*) would move the reduction of the Vote by £2,500, which he thought would be more satisfactory to the Committee. The office had been established in connection with the Act passed by Lord Cairns, which it was well known was a complete and utter failure.

**MR. INDERWICK** said, as far as he could form an opinion, very little work was done in the Office; but he could not close his eyes to the fact that,

Committee that the Office was of no use whatever. Was the change in the views of that hon. and learned Gentleman due to the fact that he had changed sides in the House? He hoped, in future, when this Vote was under consideration, that the Committee would not be told, first that the office was of no use, and then that it was of the greatest use to the public.

MR. BIGGAR said, he would suggest that if the office held by the four clerks referred to in the last item of the Vote was a sinecure, it would be judicious to transfer them to the Office of the Referees, whose business would thereby be facilitated.

MR. ARTHUR O'CONNOR said, the case of the Official Referees had a special bearing on the Vote to which considerable opposition had been taken a little while ago. The hon. and learned Gentleman sitting opposite (Mr. Watkin Williams) had changed his opinion on this subject during the last few years. But he was not the only Gentleman who had done that. The present Attorney General bitterly complained of the Office two years ago. He spoke of the work as work which the Referees professed to perform, and said that the public money would be squandered upon them, adding that all this time suitors were complaining that they could not get their cases heard. The late Attorney General said, in reply, that he must admit that these gentlemen had not much work to perform; but he thought they should have a certain amount of time in order to vindicate themselves, after which, if the result was not satisfactory, he should deem it his duty to communicate with the Lord Chancellor on the subject. He thought the difficulty in regard to those gentlemen would be met by paying them separate fees for cases brought before them, and so enabling the suitors to estimate pretty accurately the amounts which they would have to pay.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the only person who got any advantage from the change was the suitor, inasmuch as the Official Referees were paid fixed salaries, and would have no interest in protracting proceedings. The remonstrances which had been made had brought about an improvement in the existing state of things; and, therefore, he could not think it fair to charge those who for-

merly made the remonstrance with anything in the nature of inconsistency.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. MONK called attention to an allusion in the Vote which struck him as being of a very extraordinary character. It alluded to the sum of £2,000 a-year for the payment of the stockbroker to the Court of Chancery. His experience of the Court of Chancery was that if moneys were to be invested in the Court through the agency of the Court, the suitor had to bear the cost, and the stockbroker had allowed to him a certain amount for brokerage. The thing occurred when Stock was sold in the order of the Court; and he could not, therefore, understand the principle which the stockbroker was to be paid a salary in addition to a commission on what he received in the ordinary course of business.

THE SOLICITOR GENERAL (FARRER HERSCHELL) admitted that there were certain anomalies existing in reference to various offices connected with the Court of Chancery, and said that it would be attempted to remedy them as soon as the present incumbents of the offices vacated them by means of a process of consolidation.

LORD FREDERICK CAVENTISHOP hoped the question in reference to the stockbroker would not be pushed further, as the question of payment of salary in lieu of fees had not yet been decided, and might be prejudicial to discussion, at the present juncture, of the general principle.

MR. HINDE PALMER wished to point out that though £6,000 was charged upon the Consolidated Fund for the salary of the Lord Chancellor as of the Chancery Division of the Court, that branch of his Office was, practically, since the passing of the Judicature Acts, become a sinecure, inasmuch as the Lord Chancellor seldom or never sat in the Court of Chancery as Head of the Profession. He made these remarks because he believed the present Lord Chancellor, when his attention was directed to the subject, would be willing to resign from the Court of Appeal in a manner different from that in which the late Lord Chancellor acted, and so there would arise the block in the business of

*Sir Andrew Lusk*



not be settled until that was decided. He thought it would be impossible to make any reduction, and he would not pass without further notice; indeed, he trusted that the Government would be able to carry out a large Vote to carry out an policy in connection with the land.

MSAY said, that an assurance given by the Secretary of State that the Government were prepared to deal with the question, and to bring forward a Bill for the consideration of the House. That would tend to increase the confidence of those gentlemen had in the Government; and, although he was in favour of retrenchment as a rule, he thought they ought to do anything to prevent the prospect of a dissolution of the question being decided. After they had received an assurance from the right hon. the Secretary of State for the Colonies, he hoped the hon. and gallant Member for West Sussex (Sir Walter St. John) would see fit to withdraw his amendment, seeing that the salaries of the gentlemen must be paid, and they were now informed by the Treasury Bench that something would be done.

RANDOLPH CHURCHILL said, that his hon. and gallant Friend (Sir B. Barttelot) would go to a great deal of trouble on the matter. He was quite prepared to understand the course adopted by the Government opposite. When in Opposition they voted for the retention of the land or the abolition of the land, and at the moment they found themselves in the Treasury Bench they voted for the retention. He thought the reasons given by the hon. and learned Solicitor General in favour of the Vote were any-thing but sound. The hon. and learned Member said they could not do away with the Office without giving compensation to the officials. Now, the question was not another question of compensation, and must be dealt with separately. It was not a matter for Committee. Then the hon. and learned Member said—"You had better not do this year, because it is not at all in a year or two's time the land will turn out to be useful." No extraordinary reason was ever given in support of a Vote. This was the only reason in which no other work had

hitherto been done. The Act which created the Office had been a complete and dead failure. The Government of the day were always refusing to give attention to the representations that were made to them upon the matter; and now they had the extraordinary spectacle of a Liberal Government, who went dead against the Vote while in Opposition, and declared their hostility to it year after year, the moment they got into Office having not a word to say against it, and electing to go on as before. If the hon. and gallant Member went to a division he would obtain considerable support; and if he withdrew the Amendment, he (Lord Randolph Churchill) was perfectly certain that matters would continue to remain in the same unsatisfactory state.

Mr. D. DAVIES remarked, that if the Office was going to be kept open until it became useful and registration was made compulsory, a great deal of grass would continue to grow on the sill of the door, as he understood that it did now. He did not believe that Parliament was going to pass an Act to compel people to register their lands for many years to come. The landowners had a great objection to it. He had bought land years ago, and he had found that some of the owners refused to take the money for it because they declined to show their titles to the land they held. The landowners, as a rule, were very proud, and, having mortgages on the land, they were not anxious to produce their titles. He had certainly known that to be the case in reference to land purchased for railroads. He did not sympathize with the objection, and he would not have the slightest hesitation in registering the little land he held. He did not complain very much of the expense, except in regard to the stamps. If they took that off, it would very much cheapen the conveyance of land. It was said that it was expensive to convey land. He knew that it was, and that it was difficult also. Before now, he had bought half an acre of land for a railway for £50, and he had been obliged to pay £250 for the conveyance of it. Yet he had sold a quarter of an acre to a man, for the purpose of building a house, that did not cost him half-a-crown beyond the stamp. There were simply three or four lines on a bit of skin. It was all very well to console



marshals doing nothing and getting paid for it, to the intense gratification, no doubt, of their less fortunate brethren at the Bar. They would all, no doubt, regret, to a certain extent, doing away with an office of that kind; but they had now come to a period when it was desirable to reduce the expenses of the country as much as possible, and he thought £2,476 was too much to pay for the work which the country got out of these officers. He therefore moved, and he hoped the Committee would agree with him, to reduce the Vote by that amount.

**Motion made, and Question proposed,**

"That a sum, not exceeding £61,266, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Central Office of the Supreme Court of Judicature; the salaries and expenses of the Judges' Clerks and other Officers of the District Registrars of the High Court; the remuneration of the Judges' marshals; and certain circuit expenses."—(*Mr. Thompson.*)

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he thought his hon. Friend who moved the Amendment (*Mr. Thompson*) had not altogether remembered what the duties of the marshals were. He thought the sum voted in respect of those officers was really not unreasonable. It was true that they cost £75 or £60 each while the Judges were on Circuit; but it must be remembered that their travelling and living expenses on Circuit were paid by the Judges. He would remind the Committee that during the time the Judges were on Circuit, they had numerous duties to perform, and it was not a very agreeable thing for the Judges to have to spend a considerable portion of their time in lodgings. The Judges' marshal had unquestionably duties to perform. He had to make an abstract of the record in every case that stood for trial, and an abstract of the depositions in criminal cases; and hon. Members who knew the amount of work that was thrown upon the Judges, and the number of hours they had to sit in Court, day after day, would not consider it an unreasonable thing that such an official should be allowed to perform these duties for them. Therefore, it was not correct to say that the office was a sinecure, and it was also a mistake to

*Mr. Thompson*

say that barristers were never appointed to it. It was a very common thing for the Judge's marshal to have received legal education, and some of them practised several years at the Bar.

MR. WATKIN WILLIAMS said he was very glad to have the opportunity of stating that, in his opinion, this was an office that ought to be abolished. Judges who went down on Circuit had to go through a number of forms. They had to wear red cloaks, and most of the agreeable things on their heads, and have a great parade of officials, and rriages, and javelin men, and they had to go to church, whether they liked it or not. They had to have the attendance of trumpeters, and marshals, who were paid by the State for doing duties which the Judges would rather do for themselves. He, therefore, asked the Committee to consider whether these things should not be abolished. The Judges went down to discharge certain duties, to lawyers, and to preside over the Court, and their dignity and importance depended, not upon all this show, but upon their learning and ability, and the manner in which they discharged their duties. He objected to wasting time and money in absurd shows for the delectation of the vulgar and ignorant, and thought the sooner all this rubbish of judges' men, trumpeters, and carriages was swept away with the better. He would also, to see abolished the absurd custom of the Judges attending church and having their chaplains preach Assize sermons. [*Cries of "Oh!"*] He expected to hear those exclamations; but he regarded the going to church as a waste of time and expense, and he wished to see the Judges sit in the country in the same business-like manner as in London. When they sat at Westminster, they did not have all that paraphernalia; they went to do their work, and each had a clerk, and they did their work to the satisfaction of the country. Therefore, he entirely agreed with the Amendment, and regarded the abolition of Judges' marshals as the commencement of sweeping away of a lot of old-fashioned rubbish which did no good at all. Although he had two brothers-in-law who were Judges' marshals, he should support the Amendment.

MR. MORGAN LLOYD said, he did not at all agree with the hon. and le

and not be settled until that was done. He thought it would be in- to make any reduction, and he Vote would pass without fur- sition; indeed, he trusted that the Government would be able a large Vote to carry out an d policy in connection with the f land.

AMSAY said, that an assur- been given by the Secretary of War that the Government were to deal with the question, and Bill for the consideration of t. That would tend to increase ss that those gentlemen had et; and, although he was in retrenchment as a rule, he ink they ought to do anything e to prevent the prospect of a ysolution of the question being t. After they had received assurance from the right hon. n the Secretary of State for hoped the hon. and gallant for West Sussex (Sir Walter ot) would see fit to withdraw dment, seeing that the salaries gentlemen must be paid, and were now informed by the Bench that something would

RANDOLPH CHURCHILL t his hon. and gallant Friend er B. Barttelot) would go to a n the matter. He was quite understand the course adopted Gentlemen opposite. When in Opposition they voted for tion or the abolition of the t the moment they found them- the Treasury Bench they voted ntion. He thought the reasons the hon. and learned Solicitor a favour of the Vote were any- sound. The hon. and learned n said they could not do away Office without giving compen- the officials. Now, the question nsation was another question t, and must be dealt with sepa- it was not a matter for Commit- ply. Then the hon. and learned neral said—"You had better sum this year, because it is hat in a year or two's time the y turn out to be useful." No raordinary reason was ever support of a Vote. This was in which no other work had

hitherto been done. The Act which created the Office had been a complete and dead failure. The Government of the day were always refusing to give attention to the representations that were made to them upon the matter; and now they had the extraordinary spectacle of a Liberal Government, who went dead against the Vote while in Opposition, and declared their hostility to it year after year, the moment they got into Office having not a word to say against it, and electing to go on as before. If the hon. and gallant Member went to a division he would obtain considerable support; and if he withdrew the Amend- ment, he (Lord Randolph Churchill) was perfectly certain that matters would con- tinue to remain in the same unsatisfac- tory state.

MR. D. DAVIES remarked, that if the Office was going to be kept open until it became useful and registration was made compulsory, a great deal of grass would continue to grow on the sill of the door, as he understood that it did now. He did not believe that Parlia- ment was going to pass an Act to compel people to register their lands for many years to come. The landowners had a great objection to it. He had bought land years ago, and he had found that some of the owners refused to take the money for it because they declined to show their titles to the land they held. The landowners, as a rule, were very proud, and, having mortgages on the land, they were not anxious to produce their titles. He had certainly known that to be the case in reference to land purchased for railroads. He did not sympathize with the objection, and he would not have the slightest hesitation in registering the little land he held. He did not complain very much of the expense, except in regard to the stamps. If they took that off, it would very much cheapen the conveyance of land. It was said that it was expensive to con- vey land. He knew that it was, and that it was difficult also. Before now, he had bought half an acre of land for a railway for £50, and he had been obliged to pay £250 for the conveyance of it. Yet he had sold a quarter of an acre to a man, for the purposes of building a house, that did not cost him half-a- crown beyond the stamp. There were simply three or four lines on a bit of skin. It was all very well to console

themselves with ascertaining that to be the fact, and write off a considerable amount, without satisfying themselves that they had got to anything like the beginning of the fraud, and be content to leave matters as they were, without any further investigation. He hoped some explanation would be given on the subject. As, however, the noble Lord the Secretary to the Treasury did not answer the observations he had made, he begged to move the reduction of the Vote by the sum of £186.

Motion made, and Question proposed,

"That a sum, not exceeding £57,929, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Registries of Probates, and Divorce and Matrimonial Causes, &c. in the Probate, Divorce, and Admiralty Division of the High Court of Justice."—(*Mr. Arthur O'Connor.*)

LORD FREDERICK CAVENDISH said, the reason why he had not replied to the observations of the hon. Member was that he thought some hon. Gentleman opposite would probably have recollected the circumstances referred to, which occurred under the late Administration, and given an explanation. He trusted the hon. Member would not put the Committee to the trouble of a division.

MR. ARTHUR O'CONNOR said, the present had seemed the proper occasion to refer to the subject. It appeared to him that when a fraud was discovered in a Public Department, and the Treasury did not take the trouble to trace the whole history of the fraud, and ascertain the exact amount of the defalcations which had taken place, it was only proper, when the Committee were asked to vote money in connection with the Department in which the fraud was perpetrated, that some observations should be made and some explanation asked for of what appeared to be a neglect of duty on the part of the Treasury. However, as the noble Lord had said it was not the present Government who would be answerable for the state of things he had referred to, he asked leave to withdraw his Amendment.

Motion, by leave, *withdrawn.*

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that those who heard the statement of his noble Friend

*Mr. Arthur O'Connor*

with regard to the Business of the House would probably think there sufficient work to occupy the attention of the Committee. The measure referred to by the hon. Member was, no doubt, of considerable importance; but the Government, he thought, would do well not to introduce it this Session.

MR. ARTHUR O'CONNOR said, he wished to point out to the Committee a singular instance of the carelessness with which the Estimates and Accounts submitted to Parliament were drawn up. In the Report of the Controller and Auditor General of last year, there was an explanation of the savings in the item of salaries in connection with County Courts, which was accounted for by the business of the Courts having fallen off. Then there was an explanation of the excess on extra remuneration which was accounted for on the ground that the business of the Courts had increased. So that, on the same subject, there were two official statements, contradictory of each other. That showed that the Accounts were often prepared with the greatest possible carelessness.

LORD FREDERICK CAVENDISH said, if the hon. Member had gone a little further he would have found that the Accounts in question had not been so carelessly prepared as he supposed. There were two Estimates, and after the first had been prepared it was found that the business of the Courts had increased.

Original Question put, and agreed to.

(9.) £6,945, to complete the sum necessary for the Admiralty Registry of the High Court of Justice.

(10.) £8,466, to complete the sum necessary for the Wreck Commission.

(11.) £22,834, to complete the sum necessary for the London Bankruptcy Court.

(12.) £285,281, to complete the sum necessary for County Courts.

MR. ARTHUR O'CONNOR said, last year the late Government introduced a measure amending the Act relating to the County Courts. It passed the House of Lords, and was re-introduced a second time in the House of Commons. The measure was, in his opinion, a good one, and the fact that it was not passed had caused the continuation of unlawful illegality with regard to ce-

in connection with this Vote. Home Rulers had undertaken the possibility of displacing the late Government, and of placing a Liberal Administration on the Government Bench, that Administration had demonstrated a marvellous faculty for assuming the work introduced by the late Government, he hoped they would do so regard to the Bill he had referred there was no reason why the same could not be passed through Parliament that Session, and, perhaps, the Lord the Secretary to the Treasury would say whether it was the intention of the Government to do so.

agreed to.

Motion made, and Question proposed,

a sum, not exceeding £2,328, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Office of Land Registry."

SIR WALTER B. BARTTELOT said, he had been seriously challenged in the Committee last year. He saw on the Government Bench opposite one or two gentlemen who took a great part in the debate which arose on that occasion. When it was stated that no work had been done in the Office of Land Registry; that for a period of 10 years the Home Rulers had received their salaries, and absolutely done nothing. There was one who contributed more to that than his right hon. and learned friend now the Home Secretary, and that hon. Friend the Secretary of State for War. Those two right hon. gentlemen condemned the Vote in the strongest language that could possibly be used. The right hon. and learned Secretary remarked that his impression was that the Land Registration Bill had not practically did no work at all; that was one of those unfortunate consequences of law reform due to the fact that the land legislation was permissive; he thought that land legislation would not be compulsory until it was made compulsory. The right hon. and learned Gentleman was in that strain, and finished by saying that he could not see why some of those events should not take place in the future, so many clerks had not to be appointed. The present Secretary of State for War had

also opposed the Vote. He said that the Committee should fully understand the question before the money was voted; gentlemen who had for 10 years done nothing should be discontinued in their office. It was replied that the gentlemen in question had very little to do; but, on the other hand, it would be well to await the Report of a Committee which would probably contain some suggestion. The Committee had reported; but it appeared that the gentlemen who held the office would have nothing more to do than they had before. He ventured to say that the case ought to be taken into consideration by the Government. When they were in Opposition they clearly pointed out that they would vote for a large reduction of the Vote. He now called upon them to carry out those promises; and in order to test the sincerity of right hon. Gentlemen opposite, he should move the reduction of the Vote by the sum of £1,000.

Motion made, and Question proposed,

"That a sum, not exceeding £2,328, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Office of Land Registry."  
—(Sir Walter B. Barttelot.)

MR. CHILDERS said, his hon. and gallant Friend (Sir Walter B. Barttelot) had challenged him with reference to what he had said last year upon the subject of this Vote. He would state, most unreservedly, that he had not changed in the opinion he had expressed last year, and that the present Government would be under the responsibility of dealing with the matter. They did not consider the constitution of the Office satisfactory, and he trusted that next Session they would see their way to give effect to the opinion expressed last year.

MR. ARTHUR ARNOLD said, he hoped the hon. and gallant Baronet (Sir Walter B. Barttelot) would move the reduction of the Vote by £2,500, which he thought would be more satisfactory to the Committee. The office had been established in connection with the Act passed by Lord Cairns, which it was well known was a complete and utter failure.

MR. INDERWICK said, as far as he could form an opinion, very little work was done in the Office; but he could not close his eyes to the fact that,

before many years had passed, it would be necessary that the House should pass some Act dealing with the great question of the land of this country, and simplifying and cheapening its transfer. For that purpose, it would be necessary that there should be an Office of the character of that now in Lincoln's Inn Fields. If a Land Transfer Act were passed, there would be an Office ready to undertake duties in connection with it. On general principles he supported the views of the hon. and gallant Baronet. But he would support this Vote, in the sincere trust that before many months, the Office might have a great deal of work in hand for the benefit of the country.

MR. GORST said, he was sure the right hon. Gentleman the Secretary of State for War must be conscious of the extreme lameness of the answer given to the Committee. Nothing could be more positive than the pledge under which the Government came into Office. They said they would propose this year a very considerable reduction of the Vote now before the Committee. But they had now been more than three months in Office, and yet they had not made up their minds upon a course to which they were thoroughly pledged last year.

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, the Vote could not be abolished, except by Act of Parliament, as the hon. and learned Gentleman was no doubt aware. He admitted that the present land system was a very bad one. What was wanted was something that would make the registration of land a reality, and it would certainly be premature to abolish this Office; and, having done so, to give the officials, in the way of compensation, something like the full salary they were now receiving for the rest of their days. He would remind his hon. and learned Friend that the Registrar was a gentleman of great ability, who gave up private practice, which brought in as much as the salary received by him under this Vote.

MR. GREGORY said, he could confirm the remarks of the hon. and learned Solicitor General as to the practice of the gentleman who accepted this Office. The Motion of the hon. and gallant Baronet (Sir Walter B. Barttelot) was, in fact, a Motion for reduction of salary, and involved this—that after a gentleman, who had practised at the Bar, had

sacrificed his professional prospects, should be deprived of his Office, a Vote of the Committee, if the Office failed in its operation, and that without compensation. This involved a large and general principle, and he thought the Committee should consider well before they adopted the proposal. It might be that the Office had not the effect originally expected from it. If that were so, it might be a reason for abolishing the Office; but, surely, the holder of the Office was entitled to compensation for the salary of an official, which, practically, he had been appointed for life. But he ventured to say that the Office was not altogether a useless one. A certain amount of work was done there, and he could answer for it that the officials were most anxious to do on their work as well as they could, and give every facility to the public. There was little to do at the Office, but it was not the fault of the Office, but of the Legislature. He had been a Member of a Committee upon the Land Question, who had made recommendations which would materially increase the funds of this Office; and if those recommendations were carried out, he ventured to think it would be necessary to consider the Office, but on a greatly improved basis.

MAJOR NOLAN said, as a general rule, he voted for economy; but in this particular case he should certainly vote against it, because he believed that one of the greatest tasks the Government had to perform was to simplify the system of land. He thought the sale of land should be as simple a matter as the sale of a ship, and as inexpensive as the sale of land in the Colonies, where it could be effected at the cost of a few shillings. The Government were almost opposed to the policy of simplifying the transfer of land; but if they were to support the abolition of this Office, even he would think they had thrown that overboard. He wished to express his opinion on this subject, because he had a distrust of the opinions of lawyers, and he found, used all their knowledge and power to muddle the question. The transfer of land were placed on the same footing here as in other countries, should very soon have a free and easy sale of it. This country would not be settled until there was a free sale of land, and he was perfectly certain that

would be the effect now of re-  
the Vote? They would simply  
way the sum which ought to be  
those who had already acted as  
, for they would reduce the sala-  
those gentlemen without having,  
present moment, any means of  
g their services in any other  
on. He gathered, however, that  
principal object of moving the re-  
of the Vote was to call the atten-  
the Government to the necessity  
ring an alteration in the course  
ad been pursued. Last year, when  
ere dealing with the subject, an  
ember on the then Opposition  
rongly urged the necessity of deal-  
th the question; but no answer  
tained from the late Government.  
n. Friend the Member for Mid-  
(Sir Henry Holland) went so far  
say that, if the Government still  
d to deal with the land registra-  
question, he would not support the  
again; but all the declarations  
ere made failed to obtain from the  
Government any pledge upon the  
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ted to the Committee by the noble  
ne Secretary to the Treasury, and  
ere Estimates prepared on behalf  
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e statement made already on be-  
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hon. Friend (Mr. Childers) had  
that the subject was under the  
eration of the Government, and  
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If nothing was done next year,  
et hon. Members seriously con-  
hat ought to be done with the  
but, so far, no practical oppor-  
had been given to the Government  
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that they should diminish the  
as not dealing with the policy of  
vernment, but with the status of  
officials in the Office. He asked  
ey should not consent to a reduc-  
the Vote until they were fully  
ated with the intention of the Go-  
nt in regard to the matter.

GORST said, that if they fol-  
the recommendation of his hon.  
rned Friend the Attorney General,  
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tes would be absolutely a farce.  
hed to state what was the real  
efore the Committee in that par-

ticular case. There was an Office which  
had been retained for about 10 years, in  
which it was admitted nothing whatever  
had been done, and which was simply a  
burden upon the finances of the country.  
Some hon. Members, who were now Mem-  
bers of the Government, said last year  
that they would never vote for the charge  
again. They had now come into Office,  
and yet they proposed the same Esti-  
mates which, when in Opposition, they  
condemned as an incumbrance upon the  
finances of the country. His hon. and  
gallant Friend the Member for West  
Sussex (Sir Walter B. Barttelot) did not  
propose that they should cut down the  
salaries of the officials, but that Parlia-  
ment should not vote the expenses of the  
Office, such as the salaries of the clerks  
and the lighting and warming of the  
offices. He merely proposed to cut  
down the expenses of an Office which  
had been perfectly useless during the  
last 10 years; for if the Committee of  
Supply was not able to make such a re-  
duction as that the sooner it ceased to  
exist the better.

MR. BRIGGS should have thought  
that the explanation given by the Go-  
vernment would have been sufficient to  
convince the Committee. An hon. Mem-  
ber below the Gangway had appealed to  
independent Members to reject the Vote.  
He hoped that the hon. Gentleman con-  
sidered that he (Mr. Briggs) was inde-  
pendent enough. His hon. Friend the  
Member for Burnley (Mr. Rylands), who  
always voted in favour of economy,  
backed the hon. and gallant Baronet op-  
posite on the present occasion. He (Mr.  
Briggs) should, however, like to point  
out to the Committee a point which  
struck him as one of importance. If they  
voted for what was virtually the aboli-  
tion of the Office, although the hon. and  
learned Gentleman the Member for  
Chatham (Mr. Gorst) would not confess  
it, they would actually be defeating what  
his hon. Friend the Member for Burnley  
sought to accomplish—namely, economy.  
For if they abolished the Office, what  
were they going to do? They must allow  
the gentlemen who were in the Office to  
retire upon pensions—[“No, no!”]—so  
that, really, they would have to retire  
almost upon the full amount of the salary  
they were now receiving. It had been  
pointed out that they could not transfer  
the officers to any other branch of the  
Public Service at present; and he, there-

themselves by saying that the Office would be wanted, because they were going to make it compulsory on people to register their landed property; but that state of things was not likely to be brought about for a long time to come. A year or two ago, when the Conservatives were sitting on that side of the House, he had predicted that they would never consent to the compulsory registration of land. They were a very proud and haughty race of people; and if they were required to register their land, the fact that there were mortgages upon it would soon be disclosed. He should not like to see the present Liberal Government, powerful as it was, attempt to enforce compulsory registration. They would be certain to be defeated in that House; and, therefore, he should be sorry to see them attempt it. The hon. and learned Solicitor General had thrown out a hint that the Office might be wanted in the course of another year, and had given the Committee to understand that the Government were likely to introduce a Bill for the registration of land. Under these circumstances, if the hon. and gallant Gentleman the Member for West Sussex divided against the Vote, he (Mr. Davies) would support him.

MR. W. FOWLER was sorry he had not heard the whole of the debate; but he thought few of them would agree with his hon. Friend behind him (Mr. Davies) with regard to the utility, or rather the non-utility, of the register. In this country, he believed they would never get a really cheap transfer of land until they had a proper register, and until they had a register so managed that there should be no incumbrance upon the land, and no transaction in regard to it except those which were put upon the register. He agreed with the hon. Member in one thing—that the landowners of this country were not fond of compulsory registration; but he would tell the Committee how he thought the registration might be made practically compulsory. If they were to pass an Act that, after a certain date, all transactions in connection with land should be placed on the register, and that no other transactions should prevail, he thought they would find that the land generally would come upon the register without a compulsory law. A great many people did not care to register

their titles, because no transaction place with regard to the land they and there was no occasion for registration; but when they came to deal with the land they should be compelled to put it on the register. At present they had not got a good map, and that was the first thing they should look to.

THE CHAIRMAN: I must leave the hon. Member that the point of the Committee is not the question of registration, but that a particular sum of £3,328 be voted for the service of His Majesty.

MR. W. FOWLER said, he did not wish to travel out of the record, but he had only referred to the matter as it had already been alluded to. He understood that what the hon. and gallant Gentleman the Member for West Sussex meant was that it was of no use to pay for a register which did no good. They were, therefore, asked to reduce the Vote, and to grant the Supply asked for. He did not say that he agreed with the hon. Member in his position, because, if the Vote were rejected, it would be taken to imply that they thought the register was of no use. [Cries of "No!"] He was not prepared to agree to that. He had long held that the Act of Parliament was a nullity, and that it would always be a nullity until they arrived at a more thorough standing upon the question, and more courage was shown on the part of the Government, they would not have a proper register. Parliament had never shown any courage on the subject. Why did not land be dealt with as ships and goods were dealt with? There was a difficulty in registering a ship, and the ship was on the register, and the trusts were left outside of it. They would have the owners of the land on the register, and let the trusts remain outside just as they do in the trusts of railway shares. He was not, although he agreed on many points with the hon. and gallant Baronet in his position, to the question, that he could not vote for the reduction of the Vote, because he feared that the rejection of the Vote would convey a wrong impression. On his part, he held that registers were the most valuable things. In Australia, such registers were found to be very useful. There could not be a more useful thing among those who understood the position than that in Australia, and even

*Mr. D. Davies*



What would be the effect now of reducing the Vote? They would simply take away the sum which ought to be paid to those who had already acted as officers, for they would reduce the salaries of those gentlemen without having, at the present moment, any means of utilizing their services in any other section. He gathered, however, that the principal object of moving the reduction of the Vote was to call the attention of the Government to the necessity of making an alteration in the course that had been pursued. Last year, when they were dealing with the subject, an hon. Member on the then Opposition strongly urged the necessity of dealing with the question; but no answer was obtained from the late Government. The hon. Friend the Member for Midhurst (Sir Henry Holland) went so far as to say that, if the Government still declined to deal with the land registration question, he would not support the Vote again; but all the declarations that were made failed to obtain from the Government any pledge upon the subject. They had now these Estimates submitted to the Committee by the noble Lord the Secretary to the Treasury, and they were Estimates prepared on behalf of the late Government. But there had been no statement made already on behalf of the Treasury that evening. His hon. Friend (Mr. Childers) had stated that the subject was under the consideration of the Government, and that some measure would be submitted in connection with land registration next year. If nothing was done next year, let hon. Members seriously consider what ought to be done with the Vote; but, so far, no practical opportunity had been given to the Government dealing with the question. The suggestion that they should diminish the Vote was not dealing with the policy of the Government, but with the status of certain officials in the Office. He asked that they should not consent to a reduction of the Vote until they were fully acquainted with the intention of the Government in regard to the matter.

MR. GORST said, that if they followed the recommendation of his hon. learned Friend the Attorney General, the power of the Committee over the Estimates would be absolutely a farce. He wished to state what was the real issue before the Committee in that par-

ticular case. There was an Office which had been retained for about 10 years, in which it was admitted nothing whatever had been done, and which was simply a burden upon the finances of the country. Some hon. Members, who were now Members of the Government, said last year that they would never vote for the charge again. They had now come into Office, and yet they proposed the same Estimates which, when in Opposition, they condemned as an incumbrance upon the finances of the country. His hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) did not propose that they should cut down the salaries of the officials, but that Parliament should not vote the expenses of the Office, such as the salaries of the clerks and the lighting and warming of the offices. He merely proposed to cut down the expenses of an Office which had been perfectly useless during the last 10 years; for if the Committee of Supply was not able to make such a reduction as that the sooner it ceased to exist the better.

MR. BRIGGS should have thought that the explanation given by the Government would have been sufficient to convince the Committee. An hon. Member below the Gangway had appealed to independent Members to reject the Vote. He hoped that the hon. Gentleman considered that he (Mr. Briggs) was independent enough. His hon. Friend the Member for Burnley (Mr. Rylands), who always voted in favour of economy, backed the hon. and gallant Baronet opposite on the present occasion. He (Mr. Briggs) should, however, like to point out to the Committee a point which struck him as one of importance. If they voted for what was virtually the abolition of the Office, although the hon. and learned Gentleman the Member for Chatham (Mr. Gorst) would not confess it, they would actually be defeating what his hon. Friend the Member for Burnley sought to accomplish—namely, economy. For if they abolished the Office, what were they going to do? They must allow the gentlemen who were in the Office to retire upon pensions—[“No, no!”]—so that, really, they would have to retire almost upon the full amount of the salary they were now receiving. It had been pointed out that they could not transfer the officers to any other branch of the Public Service at present; and he, there-



to be put upon a proper and extended footing. That was one of the questions which Her Majesty's present Government had to deal with. His hon. Friend behind him (Mr. D. Davies) seemed to think that there would be no such question raised, and that any such measure would not receive the sanction of the Committee. He thought it could be shown by the language his hon. Friend used that he had not paid much attention to the great questions involved in the subject. He believed that Her Majesty's Government would deal with the question next year. Certainly, if they continually put off dealing with questions that were pressing for solution, he would be able to see no difference between them and the late Government; but he was quite sure that they would do nothing of the kind. He believed they would deal with the question; but still, he might ask, was that any reason why they should continue to vote an Establishment of that sort? He did not think that it was any reason at all. He thought they ought to deal with all questions that came before the Committee without any reference to what might be proposed hereafter by Her Majesty's Government. No doubt, when they came to deal with the question of registration in a future year, there would be a proper desire manifested to vote such sums as might be necessary to give effect to such legislation as might be passed. In the meantime, if the Vote was pressed, he should not have the slightest hesitation in voting, as he had done before, for the reduction of the Vote, in order to show his sense of the extremely objectionable character of a Vote of that kind, involving the continual payment of salaries where no services were rendered.

MR. THOMASSON expressed a hope that the gentleman of great abilities who had been alluded to would have something found for him to do, even if it were not in the way of land registration. He thought it would be a great pity that his abilities should be lost entirely to the country. He did not know whether, as many hon. Members seemed to suppose, this gentleman had really been doing nothing for the last 10 years, or whether he had been doing something in his own interest. In the latter case, he thought he might well do with a less salary from the public.

*Mr. Rylands*

MR. FINIGAN said, he was himself very much in favour of the registration of land, not only because the registration of land would make titles much more easy, but because it would also prevent fraud. He was certainly of the same opinion as the hon. and gallant Baronet who had spoken from that side of the House (Sir Walter B. Barttelot)—that if they wanted to do anything they must press the Government home and press them practically. He had been for a long time waiting to see the Law Officers of the Government rise in their place, and say something definite with regard to the question—something that should have some reason in it. They had been told that this land registry was an improper registry, because it had no business whatever to do; at any rate, comparatively speaking, it had nothing to do. Now, in Middlesex and Yorkshire, where the register was more complete than in other districts, they found that a very good system of registry existed; and he really hoped that the Liberal Members who were not thoroughly tied to the Government, and who in times past opposed the Conservative Government, because they considered that such a Government did not study the interests of the people, would be found voting not for or against the Government, but for the carrying out of a real and practical principle. He should very much like to hear something definite stated by the Government before the Vote was carried to a division; otherwise, he would certainly vote with the hon. and gallant Baronet behind him. He was prepared to vote with any hon. Member on questions which raised practical considerations of this kind.

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, that two grounds might be put forward by those who were in favour of reducing a Vote. One was, that the vote in favour of reductions might be practically acted upon; and the other was, that the attention of the Government might be called, as a matter of policy, to the circumstances of the Vote. In regard to the first objection, no one had, in this instance, suggested that it could be carried into practical effect by a proposal to reduce the Vote. The Estimate was an Estimate of the late Government, and it was submitted to the Committee by the late Government as a proper Vote to be passed.

MR. MAGNIAC remarked, that, perhaps, the present occupant of the Opposition Front Bench (Mr. R. N. Fowler) would tell them why the late Government had included this Vote in their Estimate.

MR. CALLAN observed, that it would be only fair to answer the inquiry of the hon. Gentleman by informing him that the hon. Member (Mr. R. N. Fowler), who was the only occupant, at the present moment, of the Front Bench, was not in the last Parliament; and, therefore, he was not answerable for the acts of the late Government.

Question put.

The Committee *divided*: Ayes 39; Noes 141: Majority 102.—(Div. List, No. 100.)

Original Question put, and *agreed to*.

(14.) £18,690, Revising Barristers, England.

(15.) £9,501, to complete the sum for the Police Courts, London and Sheerness.

MR. RAMSAY said, that the Vote had been brought up in the same position as last year. He did not know whether any explanation would be afforded why that was so, or whether any prospect would be held out that they would soon see the omission of the charge from the Estimates. The matter was under the consideration of the late Government, and he desired to know whether Her Majesty's present Ministers had it under consideration?

MR. ARTHUR PEEL supposed that the hon. Gentleman (Mr. Ramsay) was of opinion that this ought not to be a national charge, but one borne by the local funds in London and Sheerness. He was not aware that any pledge was given by the late Government that the removal of the incidence of the charge could be considered; but he did know that a Vote was taken, in which there was a majority of 36 against an amendment having for its object the removal of the charge to the local rates. The same arguments applied now as then—namely, that London and Sheerness were really something more than ordinary localities, and that, therefore, the expenses of the police courts ought not to be borne by the local rates. In the case of Sheerness and Chatham,

there was an additional reason why this charge should be thrown upon the Imperial Exchequer. There were situated Government Dockyards; there men came from all parts of the Kingdom, and the expenses thrown upon the police were very great. He was not aware that his hon. Friend referred to any other point of objection. If the objection to the charge was based solely upon the ground that this ought to be a local, instead of a national, charge, he could not hold out any hope to the hon. Gentleman.

MR. WHITWELL hoped the hon. Member (Mr. Ramsay) would persevere in his opposition to the Vote.

MR. BRADLAUGH said, that before the Vote was taken, he wished to ask the hon. and learned Attorney General, whether the Treasury had any authority, in the case of a fine paid by a criminal, no portion of which fine was, by statute, to go to an informer, to direct that the fine, after it had been paid by the defendant, and while it was in the hands of the Under Sheriff, should, by simple letter from the Treasury, be directed to be paid to a private individual? He knew of such a course having been taken by the late Government, and that was why he put the question.

MR. RYLANDS said, he did not think the arguments advanced by the Under Secretary of State for the Home Department (Mr. Arthur Peel) in any way went to justify the retention of the charge upon the nation at large. The property of such places as Sheerness and Chatham ought to bear its fair share of the local burdens. The system under which this charge appeared in the Estimates was open to great objection, and the Committee ought not to allow any increase of it.

MR. RAMSAY remarked that the ground upon which he asked for a reconsideration of this charge was that it was unfair to charge the taxpayers of the country in order to relieve the ratepayers in either London or Sheerness. Whatever the right hon. Gentlemen occupying the Front Bench might do or think now, there were some of them who last year saw a very dangerous principle involved in this charge. He did not feel that anything had been said by the hon. Gentleman which could possibly justify Her Majesty's Government in continuing the system. The Metropolis might well

fore, thought that by doing what the hon. and gallant Baronet opposite wished them to do, they would be virtually defeating the object they were anxious to secure—namely, economy in the expenditure of public money.

MR. BIGGAR wished to make one remark upon what had fallen from the hon. Member for Blackburn (Mr. Briggs). He thought the hon. Member had made a mistake with regard to the practical effect of the Motion proposed by the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot). That Motion was that the sum of £1,000 should be taken off the Vote. That would draw the attention of the Government in a substantial way to the matter, and would induce them to bring in a Bill next Session to settle the vexed question of land registration. It certainly seemed that the clerks and officials who were retained in the Office were very liberally paid. There were three clerks who had £1,000 among them. Surely, it would be easy to transfer these clerks to some other Government Office, so that there need be no compensation at all. If the Government did not seem disposed to do that, and the officials were not paid, there would be little reason to fear that all the influence they possessed would be used, both directly and indirectly, to bring pressure to bear upon the different Members of the Government in order to get the important question of land registration pushed on and satisfactorily settled. He was certainly inclined to agree with the hon. and learned Member for Chatham (Mr. Gorst) that the control of the House over the Vote in Committee of Supply was, after all, nothing more than a farce if they were to continue for 10 years to pay salaries to gentlemen who did nothing whatever in return. The most sensible way to procure a *bond fide* reform was to reduce the salaries of the different officials.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) reminded the Committee that the Government had given a distinct pledge that the matter should be considered with the view of either abolishing the Office, if it was found that it was not needed, or, if it were continued, giving the officials in it some distinct work to do. Last year the Government would not give any such pledge; and, although that was so, the hon. and gallant Baronet opposite (Sir Walter B. Barttelot) and the

hon. and learned Member for Chatham (Mr. Gorst), both of whom had waxed eloquent upon the subject to-night, followed the Government into the same Lobby.

SIR GEORGE CAMPBELL said, did not see how, under the present arrangement, the contemplated saving could be effected. He, therefore, hoped that the hon. and gallant Gentlemen (Sir Walter B. Barttelot) would be satisfied with having entered his protest, and not press his Amendment to a division.

SIR WALTER B. BARTTELOT said the hon. and learned Gentleman the Solicitor General was not so fair now as he used to be. It was admitted that formerly, the hon. and learned Gentleman was one of the fairest men in debate that could possibly be. It was absolutely true that he (Sir Walter B. Barttelot) voted with the Government last year; but why did he do so? Because it was stated by the Government that, last year, the salaries could not be altered, but the question should be considered this year. The hon. Member for West Essex (Sir Henry Selwin-Ibbetson) then said that everyone who had listened to the debate must feel that the Office had not done the work which was expected of it, that the House made a mistake when it established it, and that the expenditure ought really to be stopped. When a Government official said that they were bound to believe him. The expenditure had not been stopped, and the present Government had not tried to stop it. Notwithstanding all that had been said, he would divide the Committee upon the question.

MR. BIGGAR said, that this was not a question between the Members of the Government and the supporters of the late Government. It was a question to be decided by the Committee; and he appealed to hon. Gentlemen to do right and reduce the Vote. It seemed to him that a much better pledge was obtainable from the late Government than had been got from the present Government. The present Government merely said through the hon. and learned Solicitor General that they would consider the question some time between this and next year. That seemed a very weak pledge. He would like to hear some Member of the Government say they would abolish some of these sinecure officials.

Mr. Briggs

MR. MAGNIAC remarked, that, perhaps, the present occupant of the Opposition Front Bench (Mr. R. N. Fowler) would tell them why the late Government had included this Vote in their Estimate.

MR. CALLAN observed, that it would be only fair to answer the inquiry of the hon. Gentleman by informing him that the hon. Member (Mr. R. N. Fowler), who was the only occupant, at the present moment, of the Front Bench, was not in the last Parliament; and, therefore, he was not answerable for the acts of the late Government.

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MR. RAMSAY remarked that the ground upon which he asked for a reconsideration of this charge was that it was unfair to charge the taxpayers of the country in order to relieve the ratepayers in either London or Sheerness. Whatever the right hon. Gentlemen occupying the Front Bench might do or think now, there were some of them who last year saw a very dangerous principle involved in this charge. He did not feel that anything had been said by the hon. Gentleman which could possibly justify Her Majesty's Government in continuing the system. The Metropolis might well

bear the expenses of the police courts, and the nation ought to be relieved of this particular taxation. He could not see why, if they paid for the police courts in London and Sheerness, they should not do it in regard to all the large towns in the Kingdom.

THE ATTORNEY GENERAL (Sir HENRY JAMES), in answer to the question of the hon. Member for Northampton (Mr. Bradlaugh), said, there would not be power to pay over a fine, as such, to an informer; but he was not prepared to say that it might not be paid over for services rendered.

*Vote agreed to.*

(16.) £228,705, to complete the sum for the Metropolitan Police.

MR. ARTHUR O'CONNOR remarked that the Vote included a sum of £600, in the shape of salaries and expenses to the Chief Commissioner and two Assistant Commissioners of Police for superintending the police in connection with the Dockyards and military stations. He wished to know what amount of time those three officers devoted to such service, also the number of officers of the Metropolitan Police who acted as detectives in plain clothes in the carrying out of the Contagious Diseases Acts?

MR. ARTHUR PEEL, in reply, said, that the Dockyard Service entailed a considerable amount of work upon the Chief Commissioners and Assistant Commissioners of Police; but he was unable to give the hon. Member the exact data he wanted. He was free to admit that the system of extra payment for extra work was objectionable. It would be much better, he thought, if the officers mentioned were paid a lump sum for their services. He could not tell what number of police were employed under the War Office.

MR. ARTHUR O'CONNOR: Disguised in plain clothes, and paid out of the Army Funds while performing police duties.

MR. ARTHUR PEEL: It does not come under this Vote.

MR. ARTHUR O'CONNOR was sure that if the hon. Gentleman would make inquiry he would find that a large number of police were employed at the expense of the War Office. The Metropolitan Police in Dublin were similarly employed at the expense of the War Office in detective duties.

• *Mr. Ramsay*

MR. ARTHUR PEEL: But not under this Vote.

MR. ARTHUR O'CONNOR said, that was so; but their pay was charged under the present Vote while they were acting in the service of the War Department. The Chief Commissioner and Assistant Commissioner were really employed on their extra duty but a very short time and he put it to the Government whether there was any justification for so large a charge as £600 for an occasional visit on their part to the Dockyards?

MR. FINIGAN wished to know whether the Government considered themselves pledged, after what had fallen from the Under Secretary of State for the Home Department, to alter the mode in which the officers were paid?

MR. ARTHUR PEEL replied, that the noble Lord the Secretary to the Treasury and himself were convinced that the present system of payment was of a doubtful character, and that they would consider whether it would not be better to pay the officers a lump sum annually. He could say no more than that.

MR. ARTHUR O'CONNOR suggested that in England the police should be made use of in connection with the taking of the Census. They were to be so employed in Ireland. A good sum might be saved in that way, which would, otherwise, be paid to enumerators and other officials.

MR. ARTHUR PEEL would remind the hon. Member that the police were not wholly paid out of taxes, but were partially paid out of the rates, so that the Government had not unlimited control over them. It might be said, roughly, that half the cost of the police was defrayed out of taxes, and half out of rates. Moreover, the question of what persons should be employed in the taking of the Census was one for the authorities who were intrusted with the direction of the work, and not for the Government generally; and it might not be advisable to take the police from their ordinary duties.

MR. A. M. SULLIVAN said, that in Dublin, where the police were paid in the same way as in this country—namely partly out of taxes and partly out of rates—members of the force were to be employed to prepare the Census statistics. If such a system was wrong here it could not be right in Dublin; or in

tion. In 1875 a Committee was appointed. In 1877 it was re-appointed, made the Report to which he had referred. Since that time the matter had gone to sleep again; but a representative meeting of the men, held in the last, had revived it, representations having been made in connection with it to hon. Members of that House. It could be seen, by the evidence before the Committee, that all the chief constables agreed in their action. They considered the service would be much more active if the superannuation allowances were of a more satisfactory character. It must be remembered that the service was one in which the men were exposed to peculiar danger and expense, and that it was just one of the cases in which they ought to be able to look forward to a good future if their strength should give way, or if their vigour were destroyed by an accident. These men had not protruded their grievances upon observation by violent demonstrations, such as were incurred in by some people; but that was the reason why the Committee should reject the humble Petition which they again and again addressed to the Home Office, and to which he had encouraged to call the attention of the Committee.

SIR ARTHUR PEEL did not think the hon. Friend need make any excuse for introducing that subject, because, as he had stated, the matter had been something like 12 years before the House; and in 1877 a Report, going into the whole question, was laid on the Table by the right hon. Gentleman (Sir R. Assheton Cross), who was then the Secretary of State for the Home Department. He (Mr. Arthur Peel) did not know why, during the five years that had elapsed since 1877, the late Government did not think proper to take up the matter. He did not wish to bring any charge of neglect against the late Government; no doubt, the pressure of other Business prevented them attending to the claims of the constables of the country. But if they were unable to deal with the matter in the three years they were in Office since the presentation of the Report, he hoped they need make no excuse for the inability of the present Government to deal with it in the three months they had been in Office. He quite agreed with the hon.

Gentleman (Mr. J. B. Yorke) that the way in which this body of men had brought the matter before them gave them an additional claim upon the attention of Government. They had urged their grievance in a most respectful manner. The hon. Gentleman had stated the case most succinctly. Among other grievances alleged by the men, he had dwelt upon the operation of the present law, whereby the past service of a constable, on changing his force, was only reckoned if he had already served seven years, and if his promotion from one force to another had received the sanction of both authorities, and that even then he was only entitled to carry half of his previous service into his new force. Reference had also been made to the unprotected nature of the widows and children of the men when they became incapacitated, and the men demanded an absolute right to a pension at a given period of age. His hon. Friend had stated that the county superannuation funds were in a very critical position. That was borne out most clearly by the evidence before the Committee, and it was pretty clear that these county funds resembled some of those local benefit societies, upon whose solvency the gravest doubts were justly entertained. In his opinion, one of the alternative schemes mentioned by the Committee—namely, a great scheme of amalgamation, swallowing up all the local superannuation funds—was too vast and complicated a financial operation to be likely to work successfully. There was another point to which he would like to allude. Let them suppose that the local funds were liable to be exhausted by the demands upon them. It would be very unfair that this should be allowed before any aid was given to them from the rates, or from some other source. Some system must be devised by which the charge would be spread over a series of years, so that the present demands for superannuation would not have the effect of pressing unduly upon the existing funds. It was quite obvious that the local funds must, in any case, be supplemented from some source; but he would not pretend, at that moment, to say whether that should be done out of local or public funds. There was also the question whether the claim upon the funds should be in the absolute discretion of any one official to decide upon. That man might

more liberal footing, as a case which had come under his notice would show. A man passed from the Scotch into the Australian Service. In two years his health gave way, and he was sent home at the public expense, and with £200 in his pocket. The Australian Government, it appeared, made provision for the widows and orphans of policemen who died in its service. The chief constables were very capricious, and the men complained that the certificate which was essential to a Government superannuation allowance was often refused without good cause. In the county of Denbigh, a sergeant named Jones applied for superannuation, and the chief constable, hearing that he intended to open a public-house in his own district, refused his certificate. The matter resulted in a compromise, Jones being allowed to take a public-house in the adjoining county. Such instances of caprice being not uncommon, the men complained that they were never certain of getting their superannuation. At Quarter Sessions in his own county, he (Mr. J. R. Yorke) had heard it mentioned as an objection to a man receiving a retiring allowance that he had some private property. He had objected to that being taken into consideration; but the matter had been over-ruled, although nothing could be more absurd than to say that policemen, like Cabinet Ministers, should not be allowed to get a retiring allowance, unless they were prepared to swear that they required it to keep up their position. Another grave hardship the men suffered from was, that only one-half of their past service counted on their being transferred from one force to another, whether on promotion or not. The Committee was probably not aware of the large number of separate forces now existing in England and Wales. There were no fewer than 224, and it was quite evident that no healthy system of superannuation could be established while that state of things continued. Some three-fifths of that number only reckoned 20 men a-piece; 62 numbered 10 men; 22 numbered not more than three; and in one case, one solitary constable constituted a "force" by himself. It was evident that as men obtained promotion they must migrate from one force to another, and all who did so forfeited one-half of their time.

*Mr. J. R. Yorke*

Another grievance was, that when a constable died within 12 months of his superannuation, no provision was made for his widow or any other relative. The crown all, no appeal was allowed. The Committee of 1877, however, recommended that, after 15 years' service, a man should have a right of appeal against the decision of the chief constable to the police, or watch, committee of his district or borough. Generally speaking, what the men complained of was the state of insecurity which they found themselves. They contributed largely to their funds; but they had no idea as what they would ultimately get, or whether they would get anything at all. The funds themselves were, for the most part, in an unsatisfactory condition. They were generally decreasing; and in one or two cases they were so nicely balanced that the collapse of a single constable would be enough to upset them. The Committee, under those circumstances, recommended that the rates should be made primarily responsible for the fund, the contributions of the one being paid in aid. That was inverting the present order of things; but the result was practically the same, the rates being ultimately responsible in any case. Although one of those who had always objected to the public burdens upon the rates being augmented, he could, therefore, give that recommendation his cordial support. There was a singular agreement between the changes asked for by the men and those recommended by the Committee. They hardly differed in a single particular. Both parties agreed that, after 25 years' service, constables should be entitled to retire on an allowance of two-thirds of the latest rate of pay, and that, if unfit for further service after 15 and under 20 years' service, they should receive an allowance of one-half. The Committee, however, did not exactly agree to the scale which the men asked for. He could not sit down without reminding the Committee of the manner in which this question had been, time after time, shelved. It was raised, years ago, when Lord Cranbrook was the Home Office. In 1874 the late Home Secretary (Sir R. Assheton Cross), soon after his accession to Office, received deputation from the men, and promised that the matter should receive immediate

tion made, and Question proposed, that the Chairman do report Progress, and ask leave to sit again."—(Mr. FINIGAN.)

MR. FREDERICK CAVENDISH said they had no wish to be relieved of their labours yet. He trusted that the Committee would sit a short time longer.

Question put.

The Committee divided:—Ayes 7; Noes 133: Majority 126.—(Div. List, 101.)

3.) £263,697, to complete the sum of Convict Establishments in England and the Colonies.

MR. A. M. SULLIVAN said, they had got 16 Votes in Supply, an amount of progress which must make the heart of the noble Lord (Lord Frederick Cavendish) glad. He hoped the noble Lord would now, he having fared so well that evening, and looking to the number of important measures coming in the Orders of the Day, consent to report Progress. He (Mr. A. M. Sullivan) did not care to move that the House do now adjourn, for he thought that the noble Lord, with that grace which became him so well, would accede to the wishes of several Gentlemen.

MR. FREDERICK CAVENDISH said his hon. and learned Friend had made an appeal to him to look at the Orders of the Day. He had looked at them, and found that, in almost all cases, they were distinguished by the letter "a." He would, in return, appeal to his hon. and learned Friend after all, as the Business of the House must be conducted in a spirit of mutual accommodation, whether it would be a graceful act on the part of the majority to allow them to proceed?

MR. A. M. SULLIVAN quite agreed with the noble Lord that some concession was due to the large majority in the re-division; but in regard to the matter of the little "a," he had to say that the appearance on the Orders only suggested that they ought to have made a Motion before half-past 12 o'clock. As far as he personally was concerned, he could not at all object to take some Votes; but he trusted, nevertheless, that the noble Lord would remember that some of them had been watching Supply the whole of the evening,

and assisting the noble Lord as well as they could.

MR. FINIGAN pointed out to the noble Lord that the large majority which he, amongst others, was asked to consider, had not been in the House throughout the night. ["Oh, oh!"] Hon. Gentlemen cried "Oh, oh;" but it was a fact that the Front Benches had been for the most part of the evening comparatively empty, while for two or three hours there had not been a single Conservative Member present. He did not think it was fair to ask those hon. Gentlemen who had been present the whole of the day to sit much longer. He was, however, open to any reasonable proposition; and if the noble Lord would state how far he wished to go they might come to terms.

THE MARQUESS OF HARTINGTON remarked that the question was one to be decided not by the number of Votes to be taken, but by the amount of discussion likely to arise upon them. It seemed to him it would be quite fair to continue the consideration of the Estimates a short time longer.

MR. ARTHUR O'CONNOR said, the Government had not much right to expect forbearance from the Irish Members who formed the minority in the last division. The Irish Members had not received from the Government very much in the shape of forbearance this Session. The only Irish measure which was promised in the Queen's Speech, and which was worth discussion—namely, the Borough Franchise (Ireland) Bill—was thrown over on the first opportunity.

THE CHAIRMAN reminded the hon. Member that the Question before the Committee was a particular Vote.

MR. ARTHUR O'CONNOR said, he was quite prepared to go on a little longer. At the same time, he was quite prepared to support any of his hon. Friends who moved to report Progress at any time. Amongst the details of the Vote there used to be an item for forage, which had disappeared. He wished to know how forage was now provided for. The proceeds of prison labour, he observed, figured as £15,000 in a small foot note. Could the noble Lord inform the Committee how those proceeds were obtained, and why it was that they had fallen to their present figure from £23,000, at which they stood the year before last?



chance to be some capricious person, owing to whose conduct the men might lose many advantages. The difficulty, however, might be met by giving the men a right of appeal—a right of appeal to some other body as to whether the decision arrived at in any particular case was a just one or not. His hon. Friend was good enough to say that he would move the reduction of this Vote, not with the idea of testing the opinion of the Committee, but rather for the purpose of ventilating the subject. He hoped the hon. Member would not press his Motion to a division after what he (Mr. Arthur Peel) had stated. He trusted he had induced his hon. Friend to believe that he had considered the points which had been raised, and that it would be the duty of the Home Office, at the earliest opportunity, say, in the Recess—if they were to have a Recess—to take the matter into their serious consideration. He was sure he might say that nothing would be more agreeable to the Home Secretary than to do something which would promote the interests of a useful body of men who deserved well of the public, and who, in the execution of their duty, were exposed to manifold kinds of risk.

MR. GOURLEY said, that as the law now stood, superannuation allowances in the country were voluntary on the part of the magistrates and municipal authorities. The hon. Gentleman (Mr. Arthur Peel) would be aware that in the Metropolis there was a compulsory superannuation allowance to the police force, and that the Committee which had sat upon the question came to the conclusion that some such system which now prevailed in the Metropolis should be made compulsory throughout the country. He hoped the Government would see their way next Session to introduce a Bill which would meet the just demands of this valuable and serviceable body of men.

SIR R. ASSHETON CROSS wished to bear his testimony to the fact that the police themselves had always introduced this matter in a very proper spirit, for their claims had always been couched in respectful language. There was no doubt that the Report which the Committee made upon this matter was a very elaborate one; but the vastness of the scheme which was propounded in that Report was not calculated to hasten, at

all events, legislation. This subject seriously entertained by the late Government, although they had not had time to bring it before the House. He had no doubt some measure dealt with it would eventually have been introduced, and he was glad to see the Under Secretary of State for Home Department (Mr. Arthur Peel) had given the question his consideration. What had fallen from the hon. Gentleman was quite true; what was wanted was a fund; but the important point was where was that fund to come from? In the last Parliament there was the greatest possible aversion to make further charges on the rates, and his hon. Friend would find that when he came to propose a Bill he would have to face that difficulty. The local rates had been greatly increased of late, and throughout the length and breadth of England and Scotland there was the greatest possible objection to throwing additional burthen upon the ratepayers. Some funds were wanted, and, in the long run, they would have to consider whether they would supplement the existing funds to meet them last a little longer. If, to do that, they did not come upon the rates, they would have to come upon the Treasury. The main difficulty in the case was where they had to get the money from. He quite agreed that it was hard that a man should lose his right to a pension if he left one force to join another; but at that event, his hon. Friend would find he had to deal with a different set of ratepayers, and that the second set of ratepayers were not willing, as a rule, to pay a pension what they considered ought to be paid by the first set. He could promise the hon. Gentleman that, whenever the Government came to deal with the matter, they should have all the assistance that it was in their power to render.

*Vote agreed to.*

MR. FINIGAN desired to point out to the Committee, before they proceeded further, that they had now been sitting many hours, and that his experience of the House taught him that after past 12 o'clock it was a very wise and prudent thing to report Progress. The Government had made as much head as they anticipated, and he would ask that the Chairman do now report Progress.

*Mr. Arthur Peel*

There was no charge against individual medical officers of prisons; but he produced against the medical officer of a prison being a mere prison official. There had existed formerly, in Ireland, a system of management in convict prisons which was a credit to the Government of the day. There was a medical institution by some of the highest men of the Medical Profession in Ireland. The Government, however, he was ashamed to say, after some experience of the system, found it more convenient to have medical inspection performed by men who were not so independent. Those independent medical men were removed, and prison doctors of the usual kind appointed in their stead. He cast no censure upon these prison doctors; nor could he say that they were men without the stamp of the late President of the Royal College of Physicians, or that their position was such as to enable them to resist successfully the cruelties which were sometimes practised within prisons. He would not weary the Committee by detailing matters which had come under his own notice; but he would say, as the result of his observations of prison management—and it was remarkably reliable, for he had been connected with the Governing Body of one of the prisons of Dublin—that unless the position of a non-technical or non-medical character were provided, cases of great severity and great hardship would occur even under the most humane regulations. He felt it right to support the suggestions of his hon. and learned friend (Mr. Hopwood), especially now that the prisons were no longer subject to the supervision of the country gentlemen of England, which, although desultory, were always independent and humane. The tendency of the official mind under the constant strain of responsibility for the safe custody of prisoners was to become narrow and contracted, and to shut out entirely the humanizing influences which prevailed out-of-doors.

MR. ARTHUR PEEL said, he was convinced the estimate of the value of prison labour as at present arrived at was somewhat fallacious. That was altogether a very difficult question to deal with, inasmuch as the work was performed under peculiar conditions as compared with that done for the open market. He entirely admitted the desirability of an independent inspection

of prisons. It would be very unfortunate if the idea became prevalent that within prisons anything like tyranny was practised. All kinds of exaggerations and all kinds of surmises would be indulged in. It was, however, a mistake to suppose that, under the Prisons Act, independent inspection had been abolished. It was the earnest wish of the Home Office that the Visiting Justices should not abdicate their functions in regard to prisons. They had been encouraged in every way to continue their visits, both by the late Home Secretary, and by his right hon. and learned friend who now held Office. They had been repeatedly told that, under the Prisons Act, they had very large and very important duties to perform, amongst others that of investigating the complaints of prisoners, and of acting as an independent medium between the prisoners and the outside public. The convict establishments, likewise, were visited by a body of independent gentlemen of the highest standing and character, and the functions of those gentlemen were by no means a sinecure. The Home Office had spared no pains to obtain the services of the best men in that capacity, as the official Correspondence would show. The Report of the Royal Commissioners laid great stress on the classification of prisoners. Their recommendations on that point, he had reason to believe, were being attended to as far as possible by the Prison Commissioners. But, however easy it might seem in theory to form distinct bodies of prisoners, it was very difficult in practice. There might be circumstances in each case which rendered a hard-and-fast classification extremely difficult; and he was not sure that the existing accommodation of convict prisons would permit of it. The subject, however, was receiving the careful consideration of the Home Office. With regard to prison labour, he might just add that the system hitherto pursued had not been such as to lead to any very satisfactory conclusions respecting it.

LORD RANDOLPH CHURCHILL observed, that the difficulties of classification might be lessened if the opinion of the Judges as to a prisoner's character were ascertained. The Judge who tried a case would generally be able to give the Home Office pretty correct information on that point.

MR. HOPWOOD confessed that there was something appalling to his view in the fact that so many thousands of persons were confined in our convict prisons. The main question for the Committee, it seemed to him, was not how much those persons cost, but how their number could be diminished. He wished to know to what extent the views of the Commission on Prisons had been acted upon in reference to the subject of inspection. To every man in that Committee, inspection, surely, was a matter of supreme importance. He believed the hon. Member for Cambridgeshire and one or two others had been appointed Inspectors of Prisons; but that was not enough to satisfy the public mind. On the staff of those immense establishments there were, no doubt, many men who could be intrusted with dominion over their fellow-creatures; but there were also many who, in his (Mr. Hopwood's) opinion, could not be. What guarantee had they that force, and violence, and cruelty were not practised? It might be said, why concern yourself about the inmates of convict prisons? Well, he did so, because he believed there were persons there who ought not to be there, because they were innocent—others who were there through influences which might very well be prevented for the future; and he believed proper inspection would reveal that. The sentences inflicted all through the country were unnecessarily long. At the Surrey Sessions, not long ago, a man received 22 years' penal servitude in the shape of accumulated sentences, and such cases were not uncommon.

THE CHAIRMAN said, the hon. and learned Member was going beyond the immediate question.

MR. HOPWOOD said, he had no intention of offending; but, with all respect to the Chair, it seemed to him the length of sentences was cognate to the question before them. He would, however, defer his remarks on that subject till another occasion. At present he would merely ask for information as to the inspection of convict prisons. Those establishments were under certain Commissioners; but he had no confidence in any body of men in that position, unless the fullest publicity was given to all their proceedings.

LORD RANDOLPH CHURCHILL concurred in the views of the hon. and learned Member for Stockport (Mr.

Hopwood). The Royal Commission undoubtedly discovered many defects in the convict establishments of the country, and attention had been called to the subject by one or two works recently published. In the matter of inspection the prison system seemed particularly to require amendment. The Commissioners gave notice of their coming, so that everything could be prepared for them. Now, inspection, under those circumstances, was reduced to a mere matter of form; it was not calculated to render the officials of the prisons continually careful and cautious in the performance of their duties, and in the observance of the rules laid down by the Home Office. He wished to know what were the intentions of the Government in regard to the classification of prisoners. There was no question which had a more important bearing than that with respect to the repression and prevention of crime. It was perfectly monstrous that young persons should, on their first offence, be sent to Portland or Dartmoor, to herd during their term of penal servitude with the worst of their kind—men who were perfect devils in human form. If they were kept apart many of them might reform, and on leaving the prison become respectable members of society. As it was, they were sent to prisons without the slightest chance of amelioration being given them. He was glad the question had been raised, and he hoped to have from the Secretary of State some assurance that it would receive his careful attention.

MR. A. M. SULLIVAN felt bound at the risk of repeating himself, Session after Session, to remind hon. Members that without a system of really independent inspection, the most humanely devised rules might become the instruments of tyranny. What was required was a system of extra-official inspection without notice by medical officers. He did not mean the ordinary medical officers of the prison, but independent men. The interests of authority and the interests of society would always be sufficiently well attended to by the governors and officials of the prisons; but there was danger of the interests of humanity being overlooked. He was sorry to say he had known instances of the greatest cruelty in some of those prisons which were hermetically sealed to the outside world. He wished at once to say that h

de no charge against individual medical officers of prisons; but he protested against the medical officer of a prison being a mere prison official. There existed formerly, in Ireland, a system of management in convict prisons which was a credit to the Government of the day. There was a medical inspection by some of the highest men of the Medical Profession in Ireland. The Government, however, he was ashamed to say, after some experience of the system, found it more convenient to have medical inspection performed by men who were not so independent. Those independent medical men were removed, and prison doctors of the usual kind appointed in their stead. He cast no reflection upon these prison doctors; but no one could say that they were men of the stamp of the late President of the Royal College of Physicians, or that their position was such as to enable them to combat successfully the cruelties which were sometimes practised within prison walls. He would not weary the Committee by detailing matters which had come under his own notice; but he would say, as the result of his observations of prison management—and it was considerably reliable, for he had been consulted with the Governing Body of one of the prisons of Dublin—that unless inspection of a non-technical or non-official character were provided, cases of great severity and great hardship would occur even under the most humane regulations. He felt it right to support the suggestions of his hon. and learned friend (Mr. Hopwood), especially now that the prisons were no longer subject to the supervision of the country gentlemen of England, which, although desultory, was always independent and humane. The tendency of the official mind under the constant strain of responsibility for the safe custody of prisoners was to become narrow and contracted, and to shut out entirely the humanizing influences that prevailed out-of-doors.

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LORD RANDOLPH CHURCHILL observed, that the difficulties of classification might be lessened if the opinion of the Judges as to a prisoner's character were ascertained. The Judge who tried a case would generally be able to give the Home Office pretty correct information on that point.

SIR R. ASSHETON CROSS said, he had instructed the Prison Commissioners, when he was at the Home Office, to carry out the recommendations of the Royal Commissioners with the least possible delay. The question of classification was the first submitted to their attention; and it was, they would all agree, a very difficult one. Convicts differed materially from each other. Prisoners unused to crime might, no doubt, be corrupted by associates who were worse than themselves. At the same time, the greatest care in such matters was required to prevent any suspicion of favouritism. That a convict should have been at one time a gentleman was no reason why he should receive different treatment from his fellow-convicts. If any such impression got abroad, it would be fatal to all confidence in the justice of sentences. Besides, there were practical difficulties to encounter of a very serious kind. Before leaving Office, he thought he saw his way to separating, at all events, the least criminal prisoners from others who would be likely to contaminate them, and he hoped to hear from the Government next year how far it had been possible to carry that scheme out. The hon. and learned Member for Meath (Mr. A. M. Sullivan) had alluded to medical officers; and in consequence of what had taken place he, when he was at the Home Office, thought it wise that there should be an independent Medical inspection by an experienced man, and the Home Office did appoint a Medical Inspector. No doubt he belonged to the staff; but that was not likely to influence him in any of his actions. He had express instructions to see that all the sanitary arrangements were carried out, and was to exercise a general superintendence overall the medical officers in the various prisons. While he (Sir R. Assheton Cross) was at the Home Office, the gentleman appointed Inspector had secured the entire confidence of the medical staff in all the prisons, and in many cases he had introduced reforms of the very greatest value; in fact, the whole medical system was being administered with immense good. He had to thank Lord Campbell and the Gentlemen composing the Committee who sat upon the question for all the inquiries they made, and it had been a matter of great satisfaction to see that the different reforms

were carried into effect. He trusted the Home Office would not relax their efforts in this good work.

MR. MONTAGUE GUEST hoped the Home Office would turn their attention to the case of the military convict prisoners, who were sentenced for purely military offences, and were put upon the same level in our convict prisons with men who were convicted of the most heinous offences. He thought they ought to be distinguished from the convicts. At present there was no difference made between them and other prisoners. It would be desirable, if possible, that there should be separate establishments for military convict prisoners. The effect of the present system was to brand those men, who were guilty only of military offences, as convicted felons, and put them on the same footing, when ticket-of-leave men, those who had committed the most terrible crimes.

MR. DILLON did not understand the hon. Gentleman (Mr. Arthur Peel) reply to the observations of the hon. and learned Member for Meath (Mr. A. M. Sullivan) as to medical superintendence. The present superintendent was perfectly useless, for he (Mr. Dillon) had heard, upon the best authority, that prisoners who suffered from ill-treatment had, in reality, no opportunity whatever of appealing against the evil they were suffering from. The Government might consider that hon. Gentlemen were wasting the time of the Committee in discussing this question; but it was better they should know that a strong feeling did exist upon this point. The whole of the question of effective superintendence and inspection of penitentiary prisoners was one surrounded by the greatest possible difficulty, and he believed that the only way out of the difficulty was that suggested by the hon. and learned Member for Meath—namely, that attached to each prison there should be at least one medical man of the highest standing, who should have the right to visit the prison at any time he liked. The right hon. Gentleman the late Home Secretary (Sir R. Assheton Cross) had said that the question of medical superintendence had been taken into consideration, and that the plan suggested by the hon. and learned Member for Meath had been acted upon, but had broken down signi-

ally. They had instead appointed an officer residing in London, who was to have the run of all prisons. From his (Mr. Dillon's) and his hon. and learned friend's point of view, such an official could be of no value whatever, and his appointment gave them no confidence at the evils of which they complained would be remedied. They must collect that the happiness and comfort of prisoners might depend upon the disposition of one individual. It might happen that once in the course of a century they would get a philanthropist in the pay of the Government, and, in that case, the prisoners would be properly cared for. As a rule, however, they got men as superintendents of prisons who simply drew the salaries and did nothing for it, and the suffering of the prisoners might not come under observation. He could not occupy the time of the Committee longer on this question; but only say that this grievance was a real, and not an imaginary, one. The suffering of prisoners in some cases was of the most intense character, and he would content himself by giving one illustration. The case was not generally known, but it occurred some five or six years ago. A turnkey in one of the convict prisons so persecuted prisoners, and perpetrated cruelties upon them, that one prisoner, more clever than his companions, mixed poison in his drink one day and the man died. He (Mr. Dillon) knew of the circumstance from a man who was in the secret. The cruelty which led to such an act as that really required investigation; and the Government, if they wished to economize time, should make some explanation which would be satisfactory to hon. Gentlemen.

MR. WODEHOUSE said, that in the matter of the classification of prisoners, the exact recommendation of the Royal Commission was that all prisoners against whom no previous conviction had at any time been recorded should be kept in a separate class. If it was discovered that a man had got into this class accidentally, it was recommended that power should be given to the Directors of Convict Prisons to remove them to their proper class. It would be seen, in reference to the annual Report of the Directors of Convict Prisons, which was issued very shortly after they received the Report of the Royal Commission,

that they there say they would at once take steps to carry into execution the Commission's recommendations; and though he had no official knowledge of the fact, he believed that they were now being carried into effect. It had been said by more than one speaker in the course of the discussion that convict prisons were hermetically sealed to the public. He did not suppose any hon. Gentleman desired to throw open convict prisons to the gaze of the curious, or of any person who chose to enter them. That seemed to be an impossible arrangement. Even the visits of the Royal Commissioners or Inspectors, from time to time, had a more or less disturbing effect upon the discipline of the convicts; and, therefore, it was desirable that those visits should not occur at too rapid intervals. It must be borne in mind that persons were constantly leaving the prisons for the freedom of the world; and if they felt they had suffered any serious wrong while imprisoned they would most probably have recourse to the newspapers. If abuses, then, existed in the prisons, there was ample opportunity for the public to become acquainted with them. The Royal Commission, of which he acted as Secretary, went to most of the convict prisons, examined into them most minutely, and saw prisoners apart from either of the prison officials, and pressed them to complain of anything in their treatment which they thought in any degree harsh or unjust. The prisoners spoke with perfect freedom, and by some complaints were made. The net result, however, of all the inquiries of this body of independent Royal Commissioners was, that they reported that the system of penal servitude was, on the whole, satisfactory and free from grave abuse. Convicts had the opportunity of complaining of medical officers; but, on the whole, they bore testimony to the extreme kindness with which they were treated by these gentlemen.

MR. FINIGAN desired to point out a fair mode of ascertaining the results of the prisoner's labours. He knew it was a very awkward matter to find out what each prisoner's labour was actually worth; but he thought that might be done by ascertaining what the value of the work would be if performed outside the prison. In Austria, Hungary, and in France there prevailed a very

excellent system of employing prisoners, so as not to interfere with the out-door general labour. Prisoners there were allowed, after they had some certain necessary work imposed upon them by law, to engage in any artistic or other work congenial to their own minds. That practice might with advantage be adopted in this country, for then the prisoner would have some little money with which to face the world when he was released.

MR. ARTHUR O'CONNOR said, it would be very satisfactory if the hon. Gentleman (Mr. Arthur Peel) could give them, at any rate, an idea of the approximate amount earned by the prisoners. He observed that there was a new charge in the Vote of £200 for superintending the Medical Department. He did not know whether the £200 was for the medical officer, who was resident in London. But it seemed to him a very small sum to pay a medical officer who occupied any position of note. The next point to which he wished to draw attention was the sum of £305 for the Fine Fund. This fund was conducted on the most extraordinary principle. Practically, in all convict prisons, the officers were told off to detect one another. As soon as one officer happened to find an unfortunate fellow-officer in a fault, he could get him fined, and the amount was handed over to the Fine Fund, which, at stated periods, was distributed among the officers. That was a system which had been condemned by a great many authorities, and he should like to know whether it was intended by the Government to put an end to it?

MR. ARTHUR PEEL was not able to give an entirely satisfactory answer in reference to the Fine Fund; but he would inquire into it?

*Vote agreed to.*

Resolutions to be *reported To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

CENSUS (IRELAND) BILL.—[Lords.]

(Mr. W. E. Forster.)

[BILL 284.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 severally *agreed to*.

*Mr. Finigan*

Clause 3 (By whom the account s be taken)

MR. LITTON moved, as an Amendment, in page 1, line 26, to leave the words "religious profession," to the Census Act of the year 1860. He explained that no Return as to their religious profession was required from the people of Ireland. In 1860, the words "religious profession," which stood in the English Bill of that year, were struck out after debate without a division; then, curiously enough, they were inserted in the Irish Bill, which had been brought in without them. He failed to see why, in this matter, a distinction should be drawn between England and Ireland. It might be argued that in 1860, it was a matter of interest to have a Return of the religious profession of the people of Ireland in view of the condition of the Established Church in that country. A large majority of the people were Roman Catholics, and they were naturally anxious that their numerical superiority should be clearly brought out. But the Irish Church, having been disestablished, the political reasons for a religious Return no longer existed in Ireland, where all creeds were on the same level, and it was most desirable that religious rivalry should not be encouraged. Hence his desire to assimilate the Irish Census Bill to that of England. There was, in fact, no possible reason why the people of Ireland should be called upon to state their religious views in the approach to the Census, while the people of England were not. Both in England and Scotland the idea of a religious Census had been repudiated. Under these circumstances, he thought the Government would act wisely in abolishing the words "religious profession" from the Irish Bill, and would only be an apple of discord in Ireland, especially as in so doing they would be placing Ireland in the same position as the other portions of the United Kingdom.

Amendment proposed, in page 1, line 26, to leave out the words "religious profession."—(Mr. Litton.)

Question proposed, "That the words 'religious profession' stand part of Clause."

DR. KINNEAR supported the Amendment, which he believed in accordance with the views of

great majority of the Presbyterians of Ulster.

Mr. BIGGAR hoped the Committee would not entertain the Amendment, which really emanated from the Presbyterians. Now, the Presbyterians, some of them at least, were a very estimable body; but they were in a very great minority in Ireland, and they did not make the fact brought out. The Roman Catholics formed three-fourths of the population of Ireland; but the Presbyterians endeavoured to give themselves the appearance of being numerous, by hunting their communicants, and their rate-holders, &c., over and over again. Sometimes their game was to make their numbers appear as small as possible, in order that their contributions to the Sustentation Fund might be proportionately less.

Mr. SHAW hoped the Amendment would not be pressed to a division. The Bill was perfectly satisfactory to the people of Ireland. Probably, it would have been as well never to have commenced the religious Census in Ireland; but, now that it had been established, there was no objection to continuing it. As a Presbyterian, he confessed that the Members of his persuasion were a small body in Ireland; but they made up in quality what they lacked in quantity. He believed all Bodies in Ireland were satisfied with the religious Census. Even his hon. Friend the Mover of the Amendment (Mr. Litton) had in view, he (Mr. Shaw) believed, not the abolition of the religious Census altogether, but an enumeration of Church-goers on Sunday, the result of which would be to make everybody go to church on a particular day, man, woman, and child, whatever the state of the weather and whether they liked it or not.

MAJOR NOLAN said, the religious census had always given perfect satisfaction to the great majority in Ireland. As to the Roman Catholics it had been of an inestimable advantage. He believed they could never have got Disestablishment without it; and by showing their great numerical superiority it had been instrumental in securing them many appointments which had been monopolized by the Presbyterians. The people of property in Ireland, as a general rule, were Protestants, and they naturally appointed their co-religionists to offices of which they had the patronage, so that a

small minority of the population had more than their fair share of good things.

Mr. ILLINGWORTH said, he could see no justification for the State concerning itself with what a private citizen's religious opinions might be. As for the second Amendment, to which allusion had been made, the Committee were under no obligation to adopt it. They might content themselves by placing Ireland in the same position as the rest of the United Kingdom. He confessed he was a little surprised to find that hon. Gentlemen from Ireland, who usually complained that their country received exceptional treatment, should, in this instance, be found supporting a provision which placed it on a different footing from England. Parliament did not want to know whether Ireland was Roman Catholic or Presbyterian; the information was not required for any civil or secular purpose; and, therefore, he felt bound to support the Amendment.

Mr. W. E. FORSTER said, he could not accept the Amendment; but he should be deceiving the Committee if he did not acknowledge that, personally, he should prefer not to ask Irishmen, any more than Englishmen or Scotchmen, what their religion was. The majority of the Irish people were evidently in favour of a religious Census, although the reasons for it which existed previous to Disestablishment had, in a great measure, disappeared, and their wishes in that matter had to be consulted. He should not be sorry if, in 10 years time, a different feeling prevailed. He regretted to find that the question of religion was so often brought to the front in Ireland; it was the first thing his attention was called to when an office had to be filled up.

Mr. DICK-PEDDIE supported the Amendment. He objected to a Census of religious profession for Ireland, as he should object to one for Scotland, if it were proposed, and that on the simple ground that it was inquisitorial and outside the right of the State. He held that this was a question on which the objection of a minority, who were actuated by conscientious motives, ought to be deferred to, especially as it was proposed that the Return should be enforced by a penalty.

Mr. A. M. SULLIVAN insisted that this was a matter in which the Irish people themselves ought to be allowed to be the judges. The advocates of



equality between England and Ireland did not carry out their principle to its logical conclusion, otherwise they would object also to the employment of the Dublin Police in the Census taking. If a religious Census were now proposed for the first time he was not sure he would vote for it; it was extremely inquisitorial; but, at that late hour, he appealed to the Committee not to make so important a change in the Bill as was proposed, especially as it might arouse the susceptibilities of the Irish people. He could not share the views of his hon. Friend the Member for Cavan (Mr. Biggar) with regard to the Presbyterians, who, he was quite sure, were animated by conscientious motives. He believed their reason for objecting to the Bill was the tendency of men who were nothing in particular to put themselves themselves down as Episcopalians.

MR. LITTON, as an Episcopalian, said, his feeling was that the question of religious differences in Ireland ought not to be the subject of State inquiry or interference.

MR. WILLIS supported the Amendment, holding that the question of whether a man was a Protestant or a Roman Catholic was one which affected himself alone. He hoped the right hon. Gentleman the Chief Secretary for Ireland would take no account of such differences in making his official appointments, and that he would consent to the Amendment, for they had reached an age in which a profession of faith was not required by Roman Catholics or Episcopalians. It was time to desist from such a practice, which was condemned by the majority of persons in Ireland. He hoped the hon. Gentleman (Mr. Litton) would press his Amendment to a division.

MAJOR NOLAN believed there was not a Census in the world, save that of England and Scotland, in which the religious profession of the people was not accounted for. The hon. Gentleman (Mr. Litton) had stated that it was inquisitorial; but, surely, he proposed a greater inquisition when he proposed that on the 3rd of April the people attending places of divine worship should be counted.

Question put.

The Committee *divided*:—Ayes 39; Noes 14: Majority 25.—(Div. List, No. 101.)

Mr. A. M. Sullivan

MR. LITTON, in moving, as Amendment, in page 1, line 27, at "persons," to insert—

"And also an account in writing of the number of persons attending the respective places of public worship, distinguishing such places Sunday, the third day of April aforesaid,"

said, that he had been induced to put Amendment upon the Paper in pursuance of a Resolution agreed to at a recent general assembly of the Presbyterian Body. After the observation which had been made, he would not trouble the Committee by pressing the Amendment to a division.

MAJOR NOLAN strongly objected his constituents being put to the annoyance of being counted in church. If the Presbyterians do it, if they choose, but he did not see why all men and women, with their children and babies six months old, should be required to swarm into a place so that they could be counted.

MR. CALLAN said, there was no reason at all why the people of Ireland should undergo this annoyance in order to please that illiberal and pretentious Body, the General Assembly. Now that the great Liberal Party was in power, that Body seemed to put itself forward as the patron general of Ireland as well as the General Assembly.

MR. ILLINGWORTH said, his objection to the Amendment was as strong as was his attachment to the first proposition of the hon. Gentleman (Mr. Litton). He trusted they would not called upon to divide.

Amendment *negatived*.

Clause *agreed to*.

Clauses 4 to 6, inclusive, *agreed to*.

Clause 7 (Penalty for refusing to answer, or for giving false answers).

MR. SERJEANT SIMON observed, that in this clause a great principle was at stake. To impose a penalty upon the minority would be unjust. No man has a right to demand to know what his religious belief was; and the Government, he contended, had and could have no such right. If the majority of Irishmen, for reasons which he could understand, were willing and even anxious to declare their religious profession, it required no penalty to compel them; but

would be a grievous wrong to impose upon those who conscientiously objected to do so. He would, therefore, move to add at the end of the clause words providing that no person should be subject to such forfeiture for refusing to state his religious profession.

Amendment proposed,

In page 1, at end of Clause, add "Provided always, That no person shall be subject to such forfeiture for refusing to state his religious profession."—(*Mr. Serjeant Simon.*)

Question proposed, "That those words be there added."

MAJOR NOLAN supported the Amendment. He did not wish the Census to be an inquisitorial matter.

Mr. ARTHUR O'CONNOR said, that he would be glad to support the Amendment, because there were many people who did not know what their religious professions were.

Mr. BIGGAR remarked that the Established and Presbyterian Churches in Ireland would intentionally make the Census inoperative by neglecting systematically to exhibit their numbers. Unless some penalty was imposed for the purpose of obtaining a religious Census they would have all the Catholics stated; but the other sects would neglect to describe themselves. The result would be that the Return would be one-sided, and would fail to give a correct idea of the religious views of the people.

Mr. W. E. FORSTER said, he did not see how it was possible to resist this Amendment. No doubt, there were some persons who had very strong objections—almost conscientious objections—to stating their religious profession, and those objections ought to be respected.

Mr. DAWSON opposed the Amendment, on the ground that the imposition of the penalty would secure the result desired.

Mr. A. M. SULLIVAN said, that if a person had a conscientious objection to stating his religious profession, he would be the last man in the world to desire that he should be fined for failing to do so. It would lead to a little tinkering for the next 10 years between Catholics and Protestants; but, so far as the House was concerned, they need take no notice of it. There was one ad-

vantage in a religious profession Census which seemed to have been lost sight of; it had the effect of showing what amount of Mormon emigration there was from Great Britain and Ireland to America. No one would say that that was not a matter, statistically speaking, of great importance. He believed that from Ireland 11 Mormons had emigrated to America.

Mr. SEXTON, in order that the Census might be complete, suggested that there should be a column showing the number of persons who declined to state their religious profession. None of the religious sects would then be able to make erroneous statements as to abstentions.

Question put, and *agreed to.*

Clause, as amended, *agreed to.*

Clauses 8 and 9 *agreed to.*

Clause 10 (The person taking the accounts to certify and affirm as to their correctness, and deliver them to the officer appointed to receive them. Such officer to transmit them to the Office of the Chief Secretary).

Dr. LYONS, in moving, as an Amendment, in page 4, line 5, after "Ireland," to insert "such other persons as the Lord Lieutenant shall appoint for that purpose," said, it was very necessary that the Census should be carried out according to the wishes of the great majority of the people, and his Amendment would tend to secure that end. He trusted the Committee would pass it unanimously.

Amendment proposed,

In page 4, line 5, after "Ireland," to insert "such other persons as the Lord Lieutenant shall appoint for that purpose."—(*Dr. Lyons.*)

Question proposed, "That those words be there inserted."

Mr. SEXTON remarked, that the Amendment as it stood did not quite meet the objection; but, taken in conjunction with the statement of the right hon. Gentleman (Mr. W. E. Forster) that one Catholic Commissioner would be appointed, it might safely be adopted.

Mr. W. E. FORSTER observed, that a Catholic Commissioner would be appointed. The Committee was aware that the Bill was brought forward in the

early part of the year, and there seemed to be reason for confining it to the Registrar General. There was, however, a strong feeling in Ireland in favour of a religious Census; and although there might be a great deal said for and against having such a Census, they were inclined, in deference to that feeling, to make proper arrangements to secure a *bond fide* expression of religious profession.

Question put, and *agreed to*.

Clause, as amended, *agreed to*.

Clause 11 *agreed to*.

Preamble *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

#### CENSUS (SCOTLAND) BILL.—[Lords.]

(Mr. Arthur Peel.)

[BILL 286.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4, inclusive, *agreed to*.

Clause 5 (Householders' schedules to be left at dwelling-houses. Occupiers to fill up the schedules and sign and return them to the enumerator. Penalty for neglect).

MR. A. M. SULLIVAN hoped provision would be made for taking a Census of the Gaelic-speaking people in Scotland. Scholars not only in this country, but in Germany, would look upon such a Return with great interest. From an educational point of view, it would be essentially useful to have such a Return; and he hoped the Government would give them some indication that they would carry out his suggestion.

MR. W. HOLMS said, that personally he had no objection to such a Return being made; but he believed the speaking of Gaelic was greatly diminishing in Scotland.

MR. A. M. SULLIVAN confessed surprise at the remark of the hon. Gentleman (Mr. W. Holms), remembering, as he did, that the countrymen of the hon. Member had subscribed £12,000

Mr. W. E. Forster

to found a Gaelic Chair in the National University.

MR. DAWSON remarked that they were assembled to promote, among other things, great educational objects, and, from an educational point of view, it would be well to have the colour suggested.

Clause *agreed to*.

Remaining clauses *agreed to*.

Preamble *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

#### WAYS AND MEANS.

*Considered* in Committee.

(In the Committee.)

*Resolved*, That, towards making good Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1881, the sum of £10,818,274 be granted out of the Consolidated Fund of the United Kingdom. Resolution to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

House adjourned at a quarter of eight after Three o'clock.

## HOUSE OF LORDS,

*Tuesday*, 10th August, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*.—Married Women's Policies of Assurance (Scotland) \* (188); General Police and Improvement (Scotland) Provisional Order (Far Gas) \* (189).

*Second Reading*—Committee *negotiated*—*Third Reading*—Lord Plunket's Indemnity \*, *passed*.

Committee—*Report*—Kinsale Harbour \* (178).

*Third Reading*—Exchequer Bonds and Bills of Artizans and Labourers Dwellings (Scotland) Provisional Order (Leith) \* (186), and *passed*.

REPORTING IN THE HOUSE OF LORDS.—REPORT OF THE SELECT COMMITTEE.—RESOLUTIONS.

QUESTION. OBSERVATIONS.

THE EARL OF REDESDALE (CHAMBERLAIN OF COMMITTEES) wished to ask

whether there were any drawings of the alterations proposed to be made in the Gallery for the reporters; and, if they could be laid on the Table before the address to the Crown was moved on Thursday next? They did not know what effect would be produced on the House by the proposed alterations; and it was very desirable that their Lordships should have some idea of what could be done. He might state that when the alterations were made in 1849 they had plans laid before them of Mr. Barry, and they were approved by the House. That was a plan prepared by an architect. Now, so far as he knew anything about the matter, they were in a position to sanction any alterations, as they knew nothing of them; and he hoped they would have a decided opinion on the Table before they were asked to come to any conclusion.

THE EARL GRANVILLE was understood to say that there appeared to be a little difficulty in the House upon this matter, and to suggest that it might, perhaps, be well if one or more of the reporters could take notes in the side Galleries as they now existed before any alterations were made.

THE EARL OF CAMPERDOWN, as a member of the Select Committee on Reporting in the House, regretted that the noble Friend (Lord Sudeley) was present; but said that the effect of the proposed alterations was explained to their Lordships when the Resolution was under discussion.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) pointed out that in the present state of Business in the House there was not much probability of a debate; and, therefore, a fair trial of the side Galleries could not be had. He had been told that the reporters could pass from one side of the House to the other in 40 seconds; but he believed, from information which had reached him, that they could not move out in that way during the taking of their reports.

THE EARL OF CAMPERDOWN approved of the suggestion of the noble Friend the Leader of the House, which could not possibly do any harm.

LORD ELLENBOROUGH said, although some of their Lordships might be heard in the Reporters' Gallery, it would be the fault of the speaker if he were not heard in the front row of the

Stranger's Gallery, a noble Lord, in addition to himself, having tested it on one occasion when the House was full.

LORD DENMAN said, that there was no evidence that the reporters themselves wished to abandon their present position. He suggested that the Peers should be asked whether they wished to abandon their Galleries. It would surprise the House to see the place usually occupied by their Royal Highnesses the Princess of Wales and the Duchess of Teck occupied by strangers, and possibly opposite to them the Queen of Beauty herself—in a full House.

THE DUKE OF NORTHUMBERLAND said, that in the present state of the House, and at this period of the Session, it would be out of character to consider the matter further.

[The subject then dropped.]

#### AFGHANISTAN — MILITARY OPERATIONS—THE DEFEAT BEFORE CANDAHAR.

##### QUESTIONS. OBSERVATIONS.

LORD DORCHESTER, in rising to ask the Under Secretary of State for War or Her Majesty's Government by whose nomination or authority the appointment of Brigadier-General Burrows was made to command a brigade of the British Forces before Candahar; and what were the antecedents of that officer's professional career to justify such nomination to a very responsible command in presence of an enemy? said, that he felt some little difficulty in giving Notice of the Question, seeing that the India Office was no longer represented by the noble Marquess (the Marquess of Lansdowne) in that House, and that he regretted considering the present troubled state of India. He felt, however, that the Question of which he had given Notice was one upon which their Lordships and the public generally had a right to expect some clear and explicit information, looking at the telegraphic news which had reached this country from India. The 66th was one of the bravest regiments in the Queen's service, and had been highly distinguished in the past—as it no doubt was on this recent occasion—and an English force should not be allowed to fall, surrounded by a Native force, without some explanation to the country. A very great and deep feeling

of sorrow had spread through the county from which the regiment took its name; and it would tend to enhance the military spirit in the country, and men would be induced to enlist in the Army, if, when a disaster occurred, it was known how it had been brought about, and that the regiment had not been commanded by inexperienced, and, perhaps, incompetent, men. No British soldiers had ever been exposed to greater dangers from a war-like and treacherous foe and a hot climate than were our troops now in Afghanistan. The Bengal Army, the Madras Army, and the Bombay Army were three distinct Armies. Such an arrangement might have been necessary in former times; but in these days of telegrams it was unadvisable, and the question arose whether the Army of India should now be overhauled. He believed that, in addition to the three Armies maintained, there was a British Frontier Force, in which, if he were not mistaken, the appointments were made by the Governor General himself, independently of the Commander-in-Chief of the Bengal Army, or the Governor General of Bombay, or the Governor General of Madras. Now, the English Army, within the last 25 years, had been engaged in one very serious war, and three trifling and less serious wars against the black races, and there were officers who had served in the various India Armies with more or less distinction, and who had shown great capacity for command; and it surprised him not a little when he heard that the vanguard of the Afghan Army was allowed to penetrate 70 or 80 miles beyond the reserve force at Candahar in the direction of Herat—to penetrate into a rocky and mountainous country, and intersected by watercourses, which offered as many impediments as a rocky and mountainous country could to the progress of troops. He confessed it did surprise him very much when he heard that a force of British Artillery, Cavalry, and Infantry had been allowed to advance under the command of an officer who, from all the records he had been able to search, had no military experience whatever—[“Oh! oh!”]—except such as the orderly-room and the Staff of the Bombay establishment might have provided him with. [“Oh, oh!”] It would be felt, from his position in that House, that he would not say anything

*Lord Dorchester*

which would detract from the character of an absent man—as, when he himself a soldier, he knew how difficult the position of men in the Army was who could not defend themselves, or had not friends in that House, or who could not communicate with anyone in this country. But that was not now the question. There were several brigades and divisions at present in Afghanistan which were commanded, if he was not much misinformed, by men who had no recent experience, and little, if any, experience at all of war. Those would discharge their duties with great zeal and ability; but they were not qualified for actual employment before the enemy. [“Oh, oh!”] He would repeat that, notwithstanding the remonstrances of noble Lords on the Treasury Bench. It was hard upon those soldiers who had served in the field to be commanded by those who had not active service. He did not know the Under Secretary of State for War would justify the appointment of a man who had not had experience in the art of war. It was not an unfair comparison to make when he asked how could a man command a ship at sea who was not a sailor? He was about to put the question of which he had given notice without any knowledge whatever of the Brigadier General Burrows, or of the authority by which he had been placed in high command at a period of the greatest difficulty. He might add that this disaster to soldiers wearing the British uniform was the worst that had occurred during the last 40 years; he thought that the country would require ample explanation of all the circumstances. He was not actuated by any personal feeling whatever in asking the Question; and he repudiated the remonstrances of the Secretary of State for the Colonies and the Under Secretary of State for War, who chose to say [“Oh, oh!”] simply because he (Lord Dorchester) said that experienced soldiers should be employed before the inexperienced.

THE DUKE OF SOMERSET said, before his noble Friend the Under Secretary of State for War replied, he wished to express his opinion that his Question, and the observations which it had been prefaced, the noble and gallant Lord had made an unkind and ungenerous attack on an offi-

ed in a position of much difficulty. e of the bravest and most compe- commanders had sustained defeats suffered disasters. It was always that Parliament should be extremely ous before they blamed any officer re he was fully heard. It seemed m that that House especially should areful not to impugn the character y officer before he had been heard; he regretted the course which had taken by the noble and gallant , as the officer might feel that he condemned before he had been d. It was right that there should full and careful inquiry into this ter; but they should not, before such inquiry, pass an adverse opinion upon adier General Burrows merely be- e a misfortune had overtaken him. e observations would apply to both l and military officers.

RD ELLENBOROUGH was un- ood to say that he would not im- to any officer, senior or junior, e in this matter, because the conduct ose in command would, no doubt, oroughly sifted; but he felt that the e force was altogether inadequate he duties which it had to perform. as well known that soldiers were times politicians, and were guided her than military considerations.

RE EARL OF MORLEY said, he must the sentiments of the noble Duke, protest that it was the most unfair ungenerous Question which he had l put in that House, and before had any accurate or full details as ow far the catastrophe took place; without having Brigadier General ows's own account of how it oc- d. The noble and gallant Lord if not explicitly, at any rate im- ly, criticized the conduct of the ral who had had the grave misfor- of commanding a body of men who suffered an unfortunate defeat. On lf of Her Majesty's Government the War Office, he did not depre- inquiry of the most searching char- r; but he did deprecate the un- ous condemnation of an officer, citly or explicitly, before they were acquainted with the facts of the and before they knew what the r had to say for himself.

RD DORCHESTER: I beg leave any having brought any charge ver against that officer.

THE EARL OF MORLEY: If the noble and gallant Lord's observations and Question had any meaning, they implied that the officer who had commanded the brigade was unfit for his post; and, under cover of a Question pointed at one General in particular, the noble and gallant Lord implicitly, if not explicitly, brought charges against a number of other gallant officers commanding forces in Afghanistan. He (the Earl of Morley) did not wish to go into the question. The facts of the unfortunate defeat at Candahar were as yet unknown—all the information we have consists of a few brief telegrams—and on such evidence it was most unfair to criticize the conduct of the commanding officer, or by Question such as had been put to him to throw any doubts upon his competency for command. Indeed, he declined to go into a discussion of the qualifications of Brigadier General Burrows. The only answer he had to give to the Question was that Brigadier General Burrows was nominated by the General Commander-in-Chief at Bombay, and that the appointment was confirmed by the Governor of the Presidency. He believed he would best consult the wishes of the House if he did not add anything further to the answer he had given to the noble and gallant Lord.

LORD DORCHESTER said, he must state that he had not, either explicitly or implicitly, made any charge against any officer; and he called upon the noble Earl the Under Secretary of State for War to name in what quarter of the globe, in what country, in what war, and in what circumstances he had brought an accusation, either implicitly or explicitly, to use his favourite expression? He disclaimed any intention whatever, in asking about the appointment of the General under whose command the catastrophe had fallen, of making any charge against him. He must state that much in self-defence, as he did not expect to hear that he had made ungenerous charges against him.

THE EARL OF NORTHBROOK thought the observations made by his noble Friend (the Earl of Morley) were quite justified; because if the Question of the noble and gallant Lord had any meaning, it meant that, in a military point, Brigadier General Burrows had misconducted himself, and that somebody was responsible for having made such

an appointment. If the Question did not mean that, it meant nothing whatever. He (the Earl of Northbrook) did not believe that his noble Friend's objection to the employment of Staff officers would be generally approved, for there could be no doubt that some of the gallant officers who had distinguished themselves in this war had come from the Staff. One of the most remarkable instances of that was General Sir Frederick Roberts, who was for many years engaged on the Staff of the Commander-in-Chief in India to the great advantage of the Service.

#### ARMY—LORD STRATHNAIRN'S NOTICES.—OBSERVATIONS.

THE DUKE OF SOMERSET, referring to a Notice in the Order Book in the name of the noble and gallant Lord (Lord Strathnairn) touching the conduct of the late War in South Africa, said, it was a Notice which impugned the character of Lord Chelmsford. He might say that he had no acquaintance with that noble and gallant Lord; but this Notice had been on the Notice Paper ever since the 13th of July, and it was desirable that when a noble Lord's character was attacked there should be a distinct day named for bringing on the Motion. To the Notice was appended the words—"No day named." Not only the noble and gallant Lord, but the War Office and other persons were left in suspense; and, therefore, the Motion should be brought on, or abandoned altogether.

LORD STRATHNAIRN said, that as regarded the delay, it arose first because the noble and gallant Lord (Lord Chelmsford) wrote to him to ask him to put off his Motion, as he would be away from town for some 10 or 12 days, and, therefore, he complied with the noble and gallant Lord's wish; but it arose, secondly, because he had moved for some Returns in reference to long and short service in the Army, and he had not been able to obtain them. Those Returns related to enlistment in the Army and to the operations of the Mutiny Act—

EARL GRANVILLE rose to Order, stating that upon the Motion for the adjournment of the House the noble Duke (the Duke of Somerset) complained of a Notice of Motion on the Paper, which appeared to attack the character of a

*The Earl of Northbrook*

noble and gallant Lord, not being brought on. The Notice conveyed the idea it was a Motion of censure upon a distinguished General. [Lord STRATHNAIRN: No, no!] The noble gallant Lord was not saying a word about his Notice of Motion; but made a very able speech upon long and short service in the Army, which was undesirable upon the present occasion.

LORD STRATHNAIRN explained when he brought forward his Motion wanted to make his case as strong as could; and, therefore, he moved for Returns which he had referred to. He had expressed to the noble and gallant Lord (Lord Chelmsford) the utmost desire to meet his wishes, and he had said to him he might, if he liked, see the words of his speech in draft; but the noble and gallant Lord would be exculpated as he was the victim of a mistaken, ineffective, and unmilitary system of Army organization. It was the system which he desired to complain of, and he did not intend to blame any officer of any rank. He was, however, anxious to meet the wishes of the noble Duke, and would bring on his Motion as soon as he could.

House adjourned at Six o'clock.  
Thursday next, a question  
before Four o'clock.

#### HOUSE OF COMMONS

*Tuesday, 10th August, 1880.*

The House met at Two of the clock.

MINUTES.]—NEW MEMBER SWORN—  
Claud John Hamilton, for Liverpool.  
SUPPLY—considered in Committee—Resolved  
[August 9] reported.  
WAYS AND MEANS—considered in Committee—  
Resolution [August 9] reported.  
PUBLIC BILLS—Ordered—First Reading—  
Consolidated Fund (No. 2) \*.  
First Reading—Lord Plunket's Indemnity Bill.  
Second Reading—Drainage and Improvement of  
Land (Ireland) Provisional Order (No. 3) \*.  
[301]; Census [285].  
Committee—Hares and Rabbits [194]—R.P.  
Committee—Report—Bastardy Orders \* [301].  
Report—Drainage and Improvement of Land  
(Ireland) Provisional Orders (No. 3) \* [301].  
Local Government (Ireland) Provisional Orders  
(Artisans' and Labourers' Dwellings) (Dublin) and Waterworks (Armagh) \* [301].

dered as amended — Census (Scotland) [284], and passed.  
 drawn—Game and Trespass \* [239].

## QUESTIONS.

### MINIMAL LAW—ASSAULTS UPON CHILDREN.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, If, on consideration, he can find any way to pass a short Act declaring in cases of indecent assault upon children consent shall not be a defence?

MR. WILLIAM HARCOURT, in reply, said, he was glad to see that the hon. and learned Member for Stockport (Hopwood) had on the Order Book of the House a Bill to deal with the offence raised by the hon. Member, and (Sir William Harcourt) should do anything he could to facilitate its consideration.

### POST OFFICE—THE AUSTRALIAN MAILS—THE RETURNS.

MR. CHEETHAM (for Mr. J. K. Cross) asked the Postmaster General, What amount of postage has been received during the first six months of the current year on letters, newspapers, books, patents, and other postal matter, conveyed to Australia by the "Orient" line of steamers, and of this amount how much has been retained by the Post Office, and how much paid to the Orient Company; what number of passages have been made between Brindisi and Bombay by the Peninsular and Oriental Company's Mail Steamers, since 1st February of the present year, when the new contract came into operation; and how many of those passages have been made by ships which had incurred penalties for unpunctuality prior to 1st January 1880, and in how many of those passages has the contract time been exceeded; and, whether similar information can be given respecting the Peninsular and Oriental Steamers plying between Galle and Australia?

MR. FAWCETT: Sir, in reply to the questions that have been addressed to me by my hon. Friend, I beg to state:

—1. That the amount received during the first six months of the present year by the Post Office for all postal matter, including letters, newspapers, book packets, &c., conveyed to Australia by the steamers of the Orient Company, has been £1,843. Of this amount £390 was paid to the Orient Company, leaving £1,453 as the amount retained by the English Post Office. 2. So far as the records have yet reached the Post Office the number of voyages between Brindisi and Bombay which have been made by vessels of the Peninsular and Oriental Company since the 1st of February of the present year, when the new postal contract came into operation, has been 21 outwards and 23 homewards. 3. Of the 21 outward voyages all, except three between Suez and Bombay, and of the 23 homeward voyages all, except two between Bombay and Suez, were made by ships which had incurred penalties for unpunctuality during the time the old contract was in operation. 4. In 10 out of the 21 outward passages the contract time was exceeded. The excess varied from 50 minutes to 53 hours 53 minutes, and the average excess was 23 hours 34 minutes. In two of the voyages, where the contract time was exceeded by 25 hours 42 minutes and 53 hours 53 minutes respectively, the vessels were detained by the Government at Suez and Aden to take in stores for Afghanistan. 5. In 14 out of the 23 homeward voyages the contract time was exceeded. The excess varied from 50 minutes to 44 hours 15 minutes, the average being 18 hours 31 minutes. 6. In consequence of the contract for the Australian portion of the Service—namely, that between Galle and Australia—being under the control of the Colonial Government, I cannot supply all the information which my hon. Friend asks for in the last of his Questions. I think, however, such information ought to be forthcoming; and I have asked the Australian Government to furnish us with regular information as to the time of arrival and departure of the Australian mails, and I have no doubt such information will be readily given. With regard to the time of arrival of the homeward Australian mail at Brindisi, I find that of the 11 voyages since the 1st of February, of which we have records, the contract time was exceeded in six cases. The excess has



varied from three hours 40 minutes to 34 hours 10 minutes, the average being 18 hours 27 minutes.

#### DISTRESS (IRELAND)—ASSISTED EMIGRATION.

MR. NEWDEGATE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any relief fund available for assisting emigration from the distressed districts in Ireland, and who are intrusted with the administration of such fund; if there be no such relief fund, whether Her Majesty's Ministers contemplate the appropriation of any public moneys or means at their disposal for the above purpose; and, if no such means are at their disposal, whether they intend to propose that Parliament should afford assistance for such emigration?

MR. W. E. FORSTER: Sir, under the existing Irish Poor Law Acts the Board of Guardians of any Union may strike a rate for assisting persons in the Union to emigrate. They may also raise a bulk sum for that purpose by borrowing upon the credit of the rates. Prior to the present year such loans had to be repaid in a period of seven years, and bore interest at such rate as might be agreed on between the Guardians and the lenders of the money. But by the Relief of Distress Act of last Session the Board of Works in Ireland were empowered to lend a special sum for this purpose to Boards of Guardians at  $3\frac{1}{2}$  per cent interest, repayable in 10 years; and by the amending Act of this Session these terms have been made still more favourable in the case of Unions in which Orders of the Local Government Board ordering extraordinary out-door relief to be granted are in force. In such cases the rate of interest is reduced to 1 per cent, and the period of repayment is extended to 12 years. The payment of the first instalment being postponed for two years, such loans can only be contracted with the sanction of the Local Government Board.

#### POOR LAW (IRELAND)—SUPERANNUATION OF MEDICAL OFFICERS.

MR. MELDON asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is the case that the medical

officer of the Crossgar dispensary district in the union of Banbridge, having after forty years' service, applied for superannuation on the ground of broken down health, the guardians at a meeting summoned to consider such application passed a resolution—

“To record on the minutes their approval of the manner in which the medical officer has filled such office for a period of forty years, but that the guardians cannot add to the rates by granting any retiring allowance;”

whether the passing of such a resolution under the circumstances fairly carried out the principle of the Medical Officers' Superannuation Act; if the Local Government Board can or will interfere in the matter; and, if the Government will promote or support a measure to maintain the superannuation of Poor Law Medical Officers, in proper cases, compulsory Boards of Guardians?

MR. W. E. FORSTER: Sir, the facts as stated by the hon. and learned Gentleman are true. It is, no doubt, a case of great hardship; but the Guardians did not think fit to make the allowance, and the Local Government Board have no power to interfere in the matter. I think I have stated before, in reference to an inquiry as to the superannuation of officers, that the subject was one which occupied largely the attention of the Government, and I hope we may be able to deal with it next year.

#### POST OFFICE (SCOTLAND)—POSTMASTER OF INVERARY.

SIR HERBERT MAXWELL asked the Postmaster General, if it is true, as stated in the Scotch newspapers, that Mr. Sibbald was dismissed from the office of Postmaster of Inverary, and that the reasons for his dismissal were withheld from him; and, whether the Government have any intention of granting the prayer of his Petition to the House, and that of the provost and numerous inhabitants of Inverary, that the secret charges which it is understood have been made against him should be publicly investigated?

MR. FAWCETT: Sir, in order to make my answer to the Question addressed to me by the hon. Member for Wigtownshire intelligible, I may, perhaps, be permitted to state that with regard to all postmasterships of less than £120 a-year in England, and with

*Mr. Fawcett*

to all postmasterships of less than a-year in Ireland and Scotland, the appointment is made by the nomination of the Treasury, and not by the Postmaster General. The postmastership of the Treasury became vacant when the late Government was in Office; and being of more value than £100 a-year, the Lords of the Treasury of the late Government nominated Mr. Sibbald. Following the usual course, a careful inquiry was made by the local surveyor as to Mr. Sibbald's qualifications; and the Report of that inquiry was, I believe, the very best Paper that was submitted to me. I was appointed to the Office I have the honour to hold. This Report was very unfavourable to Mr. Sibbald; there was some local feeling on the subject, and I somewhat departed from the ordinary rule, and I ordered another and more careful inquiry to be made on the subject. The result of that inquiry was still unfavourable to Mr. Sibbald's appointment; and, this being the case, that there was no course open to me but to refuse the nomination. I trust the hon. Baronet will see that such a public inquiry as he asks for would be highly detrimental to the efficiency of the Civil Service.

**AFGHANISTAN — MILITARY OPERATIONS—WITHDRAWAL OF BRITISH TROOPS—THE SHERPUR CAMP.**

**SIR WILLIAM PALLISER** asked the Secretary of State for India, whether Her Majesty's Government will consider the question of leaving a detachment in charge of the Sherpur Camp the result of General Sir Frederick Roberts's expedition is known?

**THE MARQUESS OF HARTINGTON:** I think that I have already informed the House that, in the opinion of the Government, it is not desirable to interfere with the discretion of the competent military authorities in command in Afghanistan with reference to details of military movements. I am of opinion that the position of Sherpur should not be occupied with safety by a detachment of less strength than 6,000 men of all arms. In the circumstances, I do not see what advantage would be gained by leaving a detachment of that strength at Sherpur when the rest of the Army has returned to Gandamak.

**SIR WILLIAM PALLISER:** Sir, I regret exceedingly the Answer which the noble Lord has given to my Question; and as I do not think I can be accused of having unnecessarily trespassed upon the time of the House, I should like to say a few words upon this very important matter. With the view of putting myself in Order I will conclude with a Motion. ["Oh, oh!"] I am aware that the course I am taking is one not generally approved; but I think the question is such an exceedingly grave one, and the time is so short, that I trust I may be excused. Her Majesty's Government have announced that the decision to evacuate Cabul has been taken in accordance with the advice, or, at all events, with the concurrence of General Sir Donald Stewart. Now I beg, most unhesitatingly, to say that such advice is in direct variance with the first principles of military warfare and of military strategy. I may be asked what business I have to set up an opinion against that of Sir Donald Stewart? I do not wish to set up my own opinion; but I have taken the opinion of a considerable number of military officers for whose judgment I entertain the highest possible respect, and one and all agree with me that I am perfectly right in the view I have taken. It so happens that I have studied at an Institution which has introduced into the Army such men as Sir Garnet Wolseley, Sir Richard Colley, Sir Evelyn Wood, Colonel Buller, and others; and I am certain that all these officers would, if present, corroborate what I have to say. We were always taught that when an Army is invading an enemy's country the first thing to do is to establish a secure base of operations. We have in the camp at Sherpur a magnificent base of operations. Sir Frederick Roberts has started from Sherpur with an Army of 8,000 men and 12 guns, to march for upwards of 300 miles through an enemy's country. We are told—but I hope it is not the case—that the guns are not the regular field guns, but that they are only light mountain guns; and it is calculated that it will take him from 25 to 30 days to complete the march. He has to pass two fortresses, one at Ghuzni and another at Khelat-i-Ghilzai. He will then have to meet with an Army estimated at 20,000 men, with 36 field guns. What will be the first

thing that will happen? We cannot doubt that Ghuzni, which has been in the hands of Mahomed Jan, has been fortified, and every available gun mounted by the enemy. It would be absolute madness to attempt to assault it. Roberts has not got a sufficient number of troops to mask it; he must, therefore, march on and leave the fortress with its garrison behind him; the garrison would immediately come out and follow his footsteps; and there is scarcely a robber in the whole of Afghanistan that will not be upon the track of General Roberts during the whole of his march. The next place is Khelat-i-Ghilzai—and it is now besieged. If General Roberts can pass it, he will arrive at the end of his march with his provisions expended and with his base of operations absolutely cut off. I venture to say that in such a state of things, if anything happens to delay the march of the Force, the result would be disastrous. In the last War the House will remember that one man, Dr. Brydon, arrived at Jellalabad to tell that the British Force was utterly annihilated; and I venture to say that if, unhappily, General Roberts meets with a reverse, or even a serious check or delay, and is found towards the end of his march with his provisions expended and his communications cut off, there will not be even one man left to tell the tale of disaster that will happen in such a state of things. I feel that Her Majesty's Government are incurring a tremendous responsibility in sending General Roberts from Cabul without maintaining a base of operations at Sherpur, and I would beg and implore them to re-consider their decision. If any disaster happens to General Roberts a feeling of indignation will spread throughout the length and breadth of the land. That, in itself, will be a matter of small importance; a graver and worse result will follow, for the fabric of our Indian Empire will be shaken to its very foundation. This is not a political but a military question, and I regret to see the political element which has been imported into it. I have no individual interest in the occupation of Afghanistan, or in our retirement from it. I was not a Member of the House when the War was first undertaken. On the other hand, the Government are deeply interested in the question; and there is a strong feeling among the advanced sec-

tion of the Liberal Party in favour of precipitate retreat from Afghanistan. I would, however, ask what possible harm could be done by our remaining at Sherpur a few weeks longer, or, even for a few days; at any rate, until we know what has happened to General Roberts at Ghuzni? We are told that the Afghans have been most officious in rendering us every assistance in clearing out Sherpur; but I confess that I fear the wily race, even when professing friendship for us—"Timeo Danaos et dona ferentes." I beg to move the adjournment of the House; and I beseech the Government, with all the energy I am capable of, to give a little more consideration to this grave question.

Motion made, and Question proposed—"That this House do now adjourn."  
(*Sir William Palliser.*)

SIR WALTER B. BARTTELOT.—Sir, I had no notion that my hon. and gallant Friend was going to bring this question before the House; and I quite admit that a very great responsibility rests on any private Member in bringing a Motion of this kind, at this particular time, before the House of Commons. But I am bound to say that the noble Lord who is at this moment the Leader of the House has not satisfied the general public feeling in regard to the state of Afghanistan. A large Force has been detached from the Army which occupied the Sherpur fortifications and the ground around Cabul and sent to the relief of Candahar. There can be no doubt that great anxiety does exist among soldiers that that Army should get there in safety and security. But what has been done? The very moment the order was given to the Army to advance to Ghuzni on the way to Candahar, at that moment you took away its base of operations in retreating the rest of the Army to Gandamak, seeing that it is not to be reached from Gandamak in the same way as from the fortifications of Sherpur. All we are now is very little—namely, that the retirement should be delayed. How has it been that all our disasters have occurred? How did the late disaster occur? It was because General Burro was 75 miles away from any support whatever. At Isandula our troops were similarly without support; and I sincerely hope and believe that no disaster

*Sir William Palliser*

all occur, but that General Roberts will reach Candahar in perfect safety; but great responsibility will rest on the Government if they fail to secure a base of operations. If that is not done, there is nothing for General Roberts to do, in the event of a reverse, but to march on and be cut to pieces. I would ask the noble Lord to give every consideration to this matter, and, if it be still possible, to detain the Army at Sherpur—at any rate, until General Roberts shall have passed Ghuzni in safety.

THE MARQUESS OF HARTINGTON: Sir, I must decline to enter into military discussions raised in this irregular manner. I fully admit what has been said by the two hon. and gallant Officers opposite as to the heavy responsibility that rests upon the Government. The Government are perfectly aware of that, and they think they will best discharge that responsibility by leaving the management of military affairs to the military authorities in India, in whom they have confidence, and not by attempting to regulate those matters by their imperfect knowledge which they may possess here, and certainly not by discussing the details of this movement in debate in this House. I entirely deny the imputation which I understand to have been made by the hon. and gallant Member for Taunton (Sir William Buller), that the movement of our troops from Cabul has been dictated by political, and not by military, considerations. It is impossible for me to say that the movement of General Roberts was not attended with risk; of course, we are aware it is attended with some risk; but the retirement of General Stewart from Cabul to Gandamak has not been suggested upon that officer by the Government of India or by the Government at Home from any political considerations, but has been suggested by him as an operation most desirable under the circumstances. I have already said that we will not tamper or interfere with the discretion of the Government of India and their military Advisers. I have already, for my own satisfaction, asked the Government of India whether, in view of General Robert's removal, they thought it desirable that the withdrawal of troops from Cabul should be delayed for a certain time? I received a positive and distinct answer that, in their opinion, the movement of General

Stewart was most desirable, and was dictated by their view of the military situation. I said I am not going to enter into a military discussion without Notice and raised in this manner; but I would remind the hon. and gallant Member for Taunton, if it were necessary—and it has not been deemed necessary—that General Roberts should be left in communication with a base of operations, it would be far better that he should have communication with the Force under General Watson at Kuram Valley than with that under General Stewart at Sherpur.

SIR GEORGE CAMPBELL said, the House would feel sure that Her Majesty's Government exercised a wise discretion in refraining from entering, at length, into this discussion at the present time. For his own part, he wished to express his entire concurrence in the action of Her Majesty's Government. History often repeated itself, and it was marvellous how that had occurred with regard to the Afghan War. It would be remembered that, after the lamentable events that took place in 1841, it was determined to retreat from Candahar by way of Cabul. It seemed to him that Her Majesty's Government would follow a wise course if, still believing that history repeated itself, they determined to carry out the converse of that and retired from Cabul by way of Candahar. Knowing something of the troops that composed General Roberts's Force, he was entirely without any excessive anxiety as to the fate of that General. The Force was a magnificent one, consisting, as it did, of the flower of the Indian Army. If there were the means by which it could be properly fed, and he had no doubt that was ascertained, and if it had fair fighting—and General Roberts could hardly meet with any other, knowing the road and having his choice of positions—he felt confident that it would not run any serious risk, and that it would be quite capable of disposing of any force of Afghans that might be brought against it. He was surprised at what he could not refrain from calling the somewhat unpatriotic anxiety which had been displayed by hon. Gentlemen opposite with reference to 10,000 of the finest troops Her Majesty's Government had at their command. He repeated that he had no such anxiety himself. He had been asked what he thought would be the political effect in India of the retire-

ment of our Forces from Afghanistan? He would say this—that in order to maintain our position, dignity, and security in India, it was more important to save our money and men, and keep our Indian Army in a state of efficiency, than to spend more money vainly and ingloriously over the Afghan campaign. He thought they would run much greater risk by staying in Afghanistan than by coming away from it.

MR. ASHMEAD - BARTLETT said, that the hon. Member for Kirkcaldy had remarked that history repeated itself. He sincerely hoped that that would not be the case in regard to the present expedition. Military authorities, however, except, perhaps, those directly connected with the Government, were agreed that to cut away the base of an Army's operations was a most dangerous and hazardous experiment. He had always understood hitherto from the statements of her Majesty's present Ministers that the retreat from Afghanistan was dictated by political and not military considerations; but, at all events, he thought it would have been well to have deferred the movement from Cabul until the Force of General Roberts had passed Ghuzni. Another reason for keeping a Force at Sherpur was that they had just established an Ameer who might require their support. The noble Marquess stated, yesterday, that General Skobeleff was marching towards Herat just in the same way that General Roberts might be said to be marching towards the Persian or the Russian Frontier; but he would remind the noble Lord that, two months ago, General Skobeleff, with a large Army, was not much further from Herat than General Roberts now was from Candahar. The Government had taken a serious step, and one which, even if General Roberts escaped in safety, might bring trouble upon General Stewart's line of communication.

SIR STAFFORD NORTHCOTE: Sir, I think that the observations of the hon. Member for Kirkcaldy (Sir George Campbell) were somewhat uncalled for when he spoke of the unpatriotic anxiety on the part of my hon. and gallant Friend the Member for Taunton (Sir William Palliser). I think the hon. Member entirely misrepresented the spirit in which my hon. and gallant Friend addressed the House. The observations, so temperately and so ably made by my hon. and gallant

*Sir George Campbell*

Friend, in no way justified any remark of that kind. My hon. and gallant Friend feels strongly on this subject, and it is undoubtedly one on which everyone—even the noble Lord himself—must feel considerable anxiety. What my hon. and gallant Friend was chiefly anxious to ascertain was whether the movement now in progress on the part of the Force which has been occupying the neighbourhood of Cabul is a movement dictated purely by military reasons, or whether it was dictated by political reasons. We have an assurance from the noble Lord that it has not been dictated by political but by military considerations; and the noble Lord has stated that those military considerations have weighed with those who are responsible for the conduct of our military affairs in India, and that the Government are prepared to accept the full responsibility of the decision which they have arrived at. In those circumstances, I do not think that we can do otherwise than leave entirely on the Government the responsibility they have so assumed. The House must feel that that is a serious responsibility; but that at the same time, it is one with which we cannot properly or usefully interfere. I think that my hon. and gallant Friend is raising this question as he has done, has given a word of caution in an admirable spirit, which ought to commend the sympathy and the attention of the House; and I am glad to hear from the noble Lord that the movement which is being undertaken is one that is dictated and guided purely by military considerations, and on the authority of the proper military Commanders. That being so, I doubt whether we can conveniently properly discuss the question, which I do not think my hon. and gallant Friend is open to the slightest degree of censure for having introduced. On the contrary, I think he deserves thanks for drawing attention to the subject.

Motion, by leave, *withdrawn*.

#### ARMY RESERVE PENSIONS.

COLONEL COLTHURST asked the Secretary of State for War, Whether men of Sections A and C of the Army Reserve, who were originally enlisted for long service, and had been transferred or recalled to the Reserve, and who were called out for active service in 1878, and

observations without further interruption. The noble Marquess had made statement yesterday with regard to Public Business, in the course of which he told the House that there were eight measures before them which the Government intended to be able to carry. Speaking of the Employers' Liability Bill, the Fatal Accidents Bill, and the Hares and Rabbits Bill, the noble Marquess described those measures as important, but not as absolutely necessary. The noble Lord went on to say that it would be absolutely necessary to finish the Census Bill and the Expiring Laws Continuance Bill; while the Merchant Shipping Bill, the Savings Banks Bill, and the Post Office Money Orders Bill, were all measures which, although not of the first class, were very important, and that it was necessary that they should be completed before the Session terminated. In addition to those measures so indicated by the noble Lord, a great portion of the Estimates remained to be completed, and the Indian Budget would have to be discussed. But, beyond all this, the Session could not be concluded without a discussion being held upon the situation in Turkey and in Afghanistan, and also of the question in which many hon. Members of the Opposition side of the House took deep interest—that of the recall of Mr. Bartle Frere. The noble Lord had deprecated unnecessary discussion upon those measures to which he had referred; and while he shared the wish of the noble Marquess upon that point, he must remind him that both the right hon. Member for Cambridge (Mr. Beresford Hope) and the noble Lord the Chamberlain (Lord Randolph Churchill) had given Notice of their intention, based apparently upon good grounds, of offering the most determined opposition to the Expiring Laws Continuance Bill. With regard to the other measures referred to, there was no hint on that side of the House to delay their passing unnecessarily. ["Oh!"] He did not know whether hon. Members opposite intended to discredit that observation; but he wished to point out to the House that these must be all measures of great importance, otherwise Her Majesty's Government would not seek to press them upon the House at this late period of the Session. In these circumstances, hon. Members sitting on the Opposition Benches had to consider

not only the convenience of Her Majesty's Government, but their duty to those whom they represented, and they would most undoubtedly have to give great attention to these measures before they allowed them to pass into law. The noble Marquess could scarcely expect that the Burials Bill could be passed at a moment's notice and at a single Sitting. The Employers' Liability Bill was another measure that would require careful consideration. The Hares and Rabbits Bill also appeared likely to give rise to prolonged discussion, Notice having been given of something like 140 Amendments upon it. Did the noble Marquess think that that was a Bill which was likely to pass through that House in a couple of days? Certain of the remaining Estimates would not be allowed to pass without considerable opposition. He hoped the discussions that must arise would not be characterized as Obstruction. The present Government had never yet experienced what Obstruction was. [*Cheers and Laughter.*] He was certain that those cries proceeded from hon. Members who had not yet had much experience in that House. Had they sat in the last Parliament they would have known what Obstruction really meant; because nothing that they had experienced that Session could compare with the Obstruction which was constantly offered to the measures of the late Government. The discussion on the Indian Budget must necessarily take time; and he presumed that some day would be appointed for the discussion of the affairs of Europe and of Afghanistan. He hoped, in these circumstances, that the noble Lord would feel himself justified and bound to give some clear explanation to the House as to the intentions of the Government with reference to Public Business to be dealt with during the brief remainder of the Session. The programme which had been laid before them yesterday by the noble Lord would have been a very fair one had it been presented to them just after the Whitsuntide or the Easter Recess; but it was wholly without parallel at that period of the Session, and it could not be carried out unless the Session were indefinitely prolonged. The House was placed in the position in which they now found themselves entirely through the action of the Government, and not in consequence of any Obstruction which

# IRELAND—THE HOME RULE MEMBERS.

MR. TOTTENHAM asked the Secretary of State for India, Whether his attention has been called to a report in the public press of proceedings at a meeting of Irish Home Rule Members of Parliament, held on Friday 6th instant, where a resolution is stated to have been passed to the following effect:—

"That on the conclusion of the Sessional business the Members of the Irish party should unite with their countrymen in agitation and organisation;"

and, whether he has reason to believe that such report is correct; and, if so, whether he will inform the House what notice Her Majesty's Government intend to take of such declaration?

THE MARQUESS OF HARTINGTON: The report from which the hon. Member quoted appears to have been taken from *The Standard* newspaper, where I find the words as he has given them. I find, however, from *The Times* and other newspapers, that the resolution passed at the meeting referred to was as follows:—

"That as soon as the Irish Members are released from their Parliamentary duties they should place themselves at the disposal of their countrymen to advise and act with them in this great emergency."

I do not know which is the correct report; but, assuming this to be a true version, I may say that, so far as at present advised, there is no necessity for the Government to take any notice of the action of the Irish Members.

# TREATY OF BERLIN—TURKEY AND MONTENEGRO.

MR. BOURKE wished to ask a Question of the Under Secretary of State for Foreign Affairs in consequence of a statement which appeared in the public journals that morning. The statement was to the effect that, if the Corti arrangement failed, the Porte was expected to join the Powers in assisting the Prince of Montenegro to take possession of the Dulcigno district. He wished to ask whether that statement was correct? He wished also to ask another Question, which, however, he would put down for Thursday, if the hon. Gentleman required Notice of it. It was, What was the nature of the assistance intended to be

given by the Powers; and whether the Powers had in concert arranged what was to be its character?

SIR CHARLES W. DILKE, in reply said, the statement referred to was substantially correct. With regard to the further Question, he would give such answer as he could on Thursday; but he did not know whether the feeling of the other Powers on the subject would enable him to fully answer it at present. He would take this opportunity of answering a Question put some time ago by the hon. and gallant Member for the County Cork (Colonel Colthurst) with regard to the position of Catholics in the district ceded to Montenegro. Mr. Kirby Green, Her Majesty's aboriginal Representative in Montenegro, reported that there was no foundation for the charges which had been made; that although the teachers in the Montenegrin public schools were of the orthodox Slav faith, they were laymen, and permission had been granted for Catholic children to attend for religious instruction at the houses of the Catholic priests; that there was no foundation for the statement that permission to open new churches had been withheld; and that the Prince of Montenegro had shown the greatest anxiety to give full effect to the Article of the Treaty of Berlin with reference to complete religious equality.

# PARLIAMENT—PUBLIC BUSINESS.

MR. CHAPLIN said, he wished to put a Question to the noble Marquess the Secretary of State for India with regard to the future conduct of Public Business during the remainder of the Session, and also to make a suggestion which he felt would conduce to the convenience of hon. Members on both sides of the House. To put himself in Order, he intended to conclude with a Motion. ["Oh!"] The right hon. and learned Gentleman the Home Secretary said "Oh!" but he appeared to forget that the House of Commons was placed in a most unusual and unprecedented position owing to the peculiar mode in which Her Majesty's Government had thought fit to conduct their Business. ["Oh!"] He thought that the exclamation of the Home Secretary was unnecessary and uncalled for; and he hoped that the right hon. and learned Gentleman would permit him to conclude

remely practical and useful suggestions will be received with the utmost attention on the part of Her Majesty's Government.

Mr. GORST said, that they were apparently in the middle of a Session, and the Government had acted as though it was near the end. They had had Morning Sittings. The time usually given to Private Members had been sacrificed to advance the Business of the Government. When those arrangements were made it was understood that the Session was approaching its close. If the Opposition had known the intentions of the Government they would have insisted on everything going on in the usual manner. He did not understand why the Government made the House sit on Wednesdays and Fridays in the morning, and why they appropriated Wednesdays to their own Business. He was glad to hear that the noble Lord was not going to ask for Saturday Sittings. He hoped, as it appeared they were in the middle of a Sitting, that there would be no undue desire to curtail discussion, and that the House would not be expected to sit till the early hours of the morning, but that everything would go on in an ordinary manner. He hoped only that the Government, but that the Opposition also, would discharge its proper functions. He would read to the House a statement of the duties of an Opposition by Lord Palmerston. In a speech delivered on the 18th of April, 1844, Lord Palmerston said—

What is the natural occupation of an Opposition? What are they there for, if not to find when a mistake has been made by the Government? They are assigned by Providence to watch with keen eye the conduct of the Government, and they oppose—to trip them up even before they fall—at all events, if they stumble, mark the stumbling, and call upon them to set themselves right again."—[3 *Hansard*, clxxiv.]

At this function he hoped the Opposition would discharge. He had no objection to it there till November. In conclusion, he expressed a hope that no interference would be allowed to take place with the Employers' Liability Bill, which was a measure of extreme difficulty. It ought to be considered not only by that House, but also by the other House of Parliament, which he hoped it would reach in due time, and whose criticisms on a measure of that kind would be exceedingly valuable.

Mr. DILLON said, that he could not allow the discussion to come to an end without expressing the great disappointment which had been felt in Ireland that the Government did not propose to do anything to remedy the state of things which had arisen in consequence of the rejection by the House of Lords of the Compensation for Disturbance (Ireland) Bill. The Government might say they had done their best, and were no longer responsible for what might occur; but would any hon. Member tell him that if a similar state of things existed in Great Britain the Government would remain supine, and not propose any remedy for a state of things described as on the verge of a civil war? No doubt, it was pleasant on the rising of the House to go shooting at birds and deer; but he doubted very much whether the hon. Gentlemen who were so anxious to get away to the moors of Scotland would be so anxious to be on the moors and mountains of Ireland to be fired at by the Royal Irish Constabulary.

Mr. SPEAKER intimated that the hon. Member was travelling beyond the proper limits of the grievances before the House.

Mr. DILLON said, he wished to call attention to the action of the Government in sending over additional troops to Ireland. The Government had either sent over those troops with the object of accentuating their declarations in the House of Commons, or else because there was necessity for an addition to the 25,000 already quartered in Ireland. The Chief Secretary for Ireland said, the other evening—

Mr. SPEAKER called the hon. Gentleman to Order.

Mr. DILLON asked if he could not refer to an Answer to a Question?

Mr. SPEAKER said, the hon. Member was not in Order in referring to a late debate which had taken place.

Mr. DILLON again asked if he could not refer to the Answer to the Question?

Mr. SPEAKER said, the same remark applied to the Answer to a Question as to a debate.

Mr. DILLON said, he would only state that he did not share the confidence which the right hon. Gentleman the Chief Secretary seemed to have either in the forbearance of Irish landlords or in the cowardice of Irish tenants. To



had been offered to their measures. The measure which had occupied the greater part of the Session had not even been mentioned in the Queen's Speech, and related to a question with which the Government had, at the commencement of the Session, expressly declared that it was not their intention to deal. The Government, however, had changed their minds on the subject, for reasons which were doubtless satisfactory to themselves, but which appeared utterly worthless to others. In these circumstances, he should like to ask the noble Lord, Whether, in the event of the Hares and Rabbits Bill not passing through Committee to-day or to-morrow, he intended to proceed with that measure on Friday? And he also wished to make the suggestion, which he hoped that the noble Lord would take in good part, as it was not put forward offensively, that the Government should make up their minds now to proceed at once with those measures which they deemed absolutely necessary, and to leave the others until it was seen what time there remained for discussing them. He begged to move the adjournment of the House.

SIR HENRY HOLLAND, in seconding the Motion, said, that this was the first time that he had ever seconded such a Motion; but he did so on the present occasion because he felt that it would be for the convenience of the House if the noble Lord would, either to-morrow or the day after, if he could not do so to-day, make a clear statement as to the work they really intended to get through before the end of the Session. He desired very much to see progress made with the Bill which they were about to discuss; but that progress depended very much upon the Government giving a clear and explicit statement of what their intentions were. It would be absolutely impossible for their whole programme to be carried out, and the sooner the House was informed which of their Bills was to follow the wretched example of the Vaccination Bill the better.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Chaplin.)*

THE MARQUESS OF HARTINGTON: Sir, I waited a long time to know what was the Question which the hon. Member for Mid Lincolnshire (Mr. Chaplin)

*Mr. Chaplin*

had to put to me, and it does not appear to be one that required so lengthy introduction. The hon. Member said no less than three times in the course of his observations, that the House of Commons was placed in a very peculiar position. That is an observation I have never heard before. I should like to remember the House that we are likely to be placed in a much more peculiar position if I were a Member on the other side of the House. Apparently encouraged by great numbers who sit there, are prepared to move Motions for the adjournment of the House twice in the course of a Morning Sitting for the purpose, as I think, of introducing irrelevant questions. I do not know whether my hon. Friend was in the House yesterday; but, whether he was or not, it appears to me that the chief object of his observations is to show how very little confidence is placed by hon. Members opposite in the right hon. Gentleman who is supposed to be their Leader, or even in those prominent Members of the Opposition who sit below the Gangway, whose assiduity and attention have received such well-merited tribute. I had yesterday to state, as far as I was able, what our intentions were with regard to the proposals of the Government with regard to the Business of the present week. I am hardly able to make any statement with regard to next week. Some observations were made yesterday by the right hon. Gentleman opposite which we supposed to represent the views of the Opposition, but which appeared to me entirely unsatisfactory to my hon. Friend the Member for Mid Lincolnshire, who seems to have assumed—and, I doubt, he is competent for it—the Leadership of his Party. The Question which I understood my hon. Friend to ask was what the Government would do in the contingency of the discussion on the Hares and Rabbits Bill not being finished to-morrow? I should prefer to postpone my answer to that Question until such an unfortunate—and, I believe, improbable—contingency arises. I have already stated what I was able to state; and I do not think that any further will be saved by an endeavour to revise the position which we took up. Perhaps next week, we may be in a position to make a further statement to the House, and, when it becomes my duty to do so, I can assure the hon. Gentleman that

extremely practical and useful suggestions will be received with the utmost attention on the part of Her Majesty's Government.

MR. GORST said, that they were apparently in the middle of a Session, and that the Government had acted as though it was near the end. They had had Morning Sittings. The time usually given to private Members had been sacrificed to advance the Business of the Government. When those arrangements were made it was understood that the Session was approaching its close. If the Opposition had known the intentions of the Government they would have insisted on everything going on in the usual way. He did not understand why the Government made the House sit on Tuesdays and Fridays in the morning, and why they appropriated Wednesdays to their own Business. He was glad to find that the noble Lord was not going to ask for Saturday Sittings. He hoped, too, as it appeared they were in the middle of a Sitting, that there would be no undue desire to curtail discussion, and that the House would not be expected to sit till the early hours of the morning, but that everything would go on in an ordinary manner. He hoped not only that the Government, but that the Opposition also, would discharge its proper functions. He would read to the House a statement of the duties of an Opposition by Lord Palmerston. In a speech delivered on the 18th of April, 1864, Lord Palmerston said—

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that function he hoped the Opposition would discharge. He had no objection to sit there till November. In conclusion, he expressed a hope that no interference would be allowed to take place with the employers' Liability Bill, which was a measure of extreme difficulty. It ought to be considered not only by that House, but also by the other House of Parliament, which he hoped it would reach in good time, and whose criticisms on a measure of that kind would be exceedingly valuable.

MR. DILLON said, that he could not allow the discussion to come to an end without expressing the great disappointment which had been felt in Ireland that the Government did not propose to do anything to remedy the state of things which had arisen in consequence of the rejection by the House of Lords of the Compensation for Disturbance (Ireland) Bill. The Government might say they had done their best, and were no longer responsible for what might occur; but would any hon. Member tell him that if a similar state of things existed in Great Britain the Government would remain supine, and not propose any remedy for a state of things described as on the verge of a civil war? No doubt, it was pleasant on the rising of the House to go shooting at birds and deer; but he doubted very much whether the hon. Gentlemen who were so anxious to get away to the moors of Scotland would be so anxious to be on the moors and mountains of Ireland to be fired at by the Royal Irish Constabulary.

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MR. SPEAKER called the hon. Gentleman to Order.

MR. DILLON asked if he could not refer to an Answer to a Question?

MR. SPEAKER said, the hon. Member was not in Order in referring to a late debate which had taken place.

MR. DILLON again asked if he could not refer to the Answer to the Question?

MR. SPEAKER said, the same remark applied to the Answer to a Question as to a debate.

MR. DILLON said, he would only state that he did not share the confidence which the right hon. Gentleman the Chief Secretary seemed to have either in the forbearance of Irish landlords or in the cowardice of Irish tenants. To

rely on this would be to rely on a broken reed. He claimed to have some knowledge of the action of landlords in times of distress and danger. There would soon be evictions and processes by hundreds and thousands. The tenantry would not submit; and if the House rose without taking some other measures than sending Marines to prevent such a catastrophe, he feared there would be bloodshed and massacre in Ireland. ["Oh, oh!"] That was the truth; and although all the massacre would be mostly, no doubt, on the side of the people of Ireland, he warned the House that they were not doing wisely in supporting the Government in the course they were taking. The Irish Members would feel it their duty, in season and out of season, to force upon the House the condition of the people of Ireland, and to try to induce them to take some steps with regard to that condition, and they would do all they could to save the effusion of blood, and to save the wretched people who were now threatened by the Constabulary. So long as that House was sitting he should lose no opportunity of bringing forward the condition of the people; and if the House rose without taking some measures of alleviation and of protection for the Irish people, he could tell them that the winter would be marked with bloodshed and massacre in Ireland. The present occasion was one which no Government ought to allow to pass without attempting to apply some remedy to the evils which were impending. He did not wonder that the House was tired of having Irish questions discussed; but he could only express his surprise that, after so many weary years of talking about Ireland, hon. Members were no wiser about that country than they were 50 years ago. Hon. Members were heard to propose schemes of emigration as remedies, as if the scheme had not been tried and wretchedly broken down in former times. In the other House, the other night, he heard a noble Lord say it was intended that it should be a forced emigration. It must be forced if it was to be carried out at all; not force by the Government—nobody supposed that—but the force landlords would use against tenants they wished to get rid of. He could tell the House that the Irish people would not leave their homes without compulsion, and would not be driven forth without violence, resistance, and

*Mr. Dillon*

bloodshed; and he warned the Government that, though hon. Members might consider that he was wasting the time of the House, they might have occasion to say, in another week, that they would have saved a considerable amount of time had they listened to him on that occasion.

MR. BERESFORD HOPE desired to say a word on behalf of the legitimate Opposition, who were endeavouring to do their duty loyally and faithfully towards Her Majesty's Government. He had to protest against the interruptions and confusion of the Business of the House by hon. Gentlemen whom he ventured to term Her Majesty's illegitimate Opposition, and whose misdeeds were so unfairly attributed to the legitimate Opposition. No doubt, he could sympathize a good deal with the impatience of the House at the way in which Irish questions were made engines of delay. But if they measured the length of the Session, and remembered the way in which the Business had been conducted, he ventured to say that, whatever had been their provocation from the other side, Her Majesty's Opposition had been eminently moderate in the discharge of their duty; while they were not, and would not, be responsible for interruptions interjected by hon. Gentlemen whom they respected, but whom they should like to see sitting opposite—where they ought to sit—beside the hon. Member for the County of Cork (Mr. Shaw). The hon. and gallant Member for Galway (Major Nolan), and others who remained upon the Liberal side of the House, should be remembered that Her Majesty's Government enjoyed an immunity which their Predecessors had not enjoyed—it had taken possession of Mondays entirely, without private Members having the opportunity of bringing forward a question of grievance before Supply. They obtained that privilege at the beginning of the Session; and, while in the flush of prosperity, he hoped they would remember how sorely his right hon. Friend the Member for North Devon had suffered in the beginning of 1874, when several Members—of whom he (Mr. Beresford Hope) was one—ably seconded by the hon. Baronet the present Under-Secretary of State for Foreign Affairs, who, for obvious reasons, was silent on the subject this year—lengthily, but reasonably, and in the proper exercise of their privileges, protested against the

ondays being appropriated by the Government. At present, the Government assessed all the Mondays, all the Tuesdays, all the Wednesdays, all the Thursdays, all the Fridays down to 7 o'clock, and all the Saturdays when they had a chance of getting them. In these circumstances, he called upon Her Majesty's Government not to endeavour to drive too hard the forbearance of hon. Members that side of the House. It was for the Government to say what Bills they could press forward. It was for the Opposition to say that the Bills so pressed forward should be adequately discussed; that, when they came to receive the Royal Assent, they should be as perfect as possible—and that on the day of Proclamation, on whatever day it occurred, hon. Members might proceed to the Commons, the stubble, the coopses, or to their Christmas festivities, conscious that they had done their duty as patriotic Members of Parliament.

MR. NEWDEGATE said, he was sure he would not be regarded as a friend of Obstruction; but he wished to say that he had been long enough in the House to remember the Prime Minister, towards the close of a Session, opposing the Divorce Bill, then the subject of much debate, because Her Majesty's Ministers were trying to take advantage of the House by forcing a most important Bill on at a period of the Session which was at once unusual and known by the Government to be inconsistent with the engagements and the business of a great number of Members of the House. The present Government had, he was afraid, the absence of their Leader, rendered themselves liable to condemnation for a reason that had evoked from him the most severe censure of the conduct of a former Government. The Government were expecting more of the House than was consistent with its constitution, commencing, as it did, within its numbers men who were engaged in the most important commercial transactions of the country, and who could not be expected to sit to a late period of the year, or to give a certain number of months in the year. It was inconsistent, too, with the efficiency of the House that the Session should be protracted to a very long period. He would remind the Irish Members that he had never opposed any measure for the relief of that country or its real advantage; but he condemned

the perpetual spirit of insurrection in which some nominal friends of Ireland indulged, but who, as hon. Members, if they read the history of their country, would see, were, and always had been, its bitterest enemies. As he had said, the Government were expecting too much of the House in pressing forward measures which deeply affected the largest commercial, mining, railway, agricultural, and other great interests of the country, including the vital interests of the Church of England—measures which could not be allowed to pass without the full consideration they deserved.

SIR STAFFORD NORTHCOTE said, of course, he was aware that it would be impossible to speak with absolute certainty with regard to the Business; but he was anxious to have it fixed as far as possible. The noble Lord had told them yesterday what were the arrangements for Thursday and Friday, and that also for Tuesday next week. What he wanted to know was whether they could rely on the Burials Bill being taken on Thursday, the Employers' Liability Bill on Friday, and the Indian Financial Statement on Tuesday next? He thought that was a matter on which it was important that they should be sure. The state of uncertainty which had existed caused great anxiety in the minds of hon. Members, and did not conduce to the progress of Business.

THE MARQUESS OF HARTINGTON said, he did not think it would be possible to make any more definite arrangements with regard to the Business than had already been announced. The programme of Business which he had stated for the Sittings to-morrow, on Friday, and on Tuesday next must, of course, depend on the progress made with the Hares and Rabbits Bill; and until he knew what that progress was, he could not say whether that programme would be adhered to to the letter.

MR. J. R. YORKE complained that no definite statements were made by the Government as to the progress of Business, and that the announcements vouchsafed were of a kaleidoscopic character, which left hon. Members in a confused state of mind as to what they might be called upon to do. He did not think the noble Lord was justified in giving a vague answer to the Question which had been put in the most courteous terms by

the right hon. Baronet the Leader of the Opposition. As far as he was personally concerned, he should certainly not have consented to give up to the Government the whole of the time of Parliament, excepting the Evening Sittings on Fridays, unless he had believed that the Session was to close at the ordinary time. It seemed that the noble Marquess and the Government had determined to get the House into a corner, and, relying on the abstention from voting or the weariness and disgust of hon. Members, to pass measures which could have no chance of success in ordinary circumstances. He wished to disassociate himself entirely from any idea of Obstruction, as the word had been used last Session, meaning opposition to every measure brought forward not on the merits, but with a view to stopping the Business of the House; but he did not intend to be deterred from submitting to detailed criticism any measure which he thought deserving of it. There was a widespread feeling among the quieter and less prominent Members that, sooner than allow this state of things to be unduly prolonged, they would take part in every legitimate movement for seeing the Business of the House properly conducted.

EARL PERCY said, he had been a Member of that House for several years; and as far as he knew, or had read in the history of the House, he did not think the Leader of the Government, after having, on the pretence that the Session was drawing to a close, absorbed the whole—

THE MARQUESS OF HARTINGTON asked whether the noble Lord was in Order in imputing to the Government that they had done anything on a pretence?

MR. SPEAKER: It is certainly out of Order to impute unworthy motives to Members of the House or the Government collectively.

EARL PERCY said, he would at once withdraw the expression to which exception was taken. He disclaimed any intention to impute dishonourable motives to the Government. But the whole time of the House had been asked for, which was only done, ordinarily, when the Session was about to be brought to a close. The noble Lord had been asked to reduce the programme within limits which would afford a hope of its being carried out; but, from

day to day, he had declined to inform them as to what course he intended to adopt. He could not consent to be party to what might be called illegitimate Obstruction; but he thought the House was justified in opposing, legitimately, the policy of endeavouring to force measures on the country which were not before it at the General Election, which were not included in the Queen's Speech, and which the break in the Session gave ample reasons for not enforcing at present. There would be inconvenience to the Public Service in deferring until next Session at least some of them, particularly if they met with strenuous resistance, not for the purpose of blocking the Business of Parliament generally, but for the purpose of declaring that Parliament would not have measures forced on it at this time of the year by this sort of conduct; and he considered such resistance would be justifiable.

MR. O'CONNOR POWER said, he had noticed that, within the last two hours, there had been two Motions for adjournment, and that most of the hon. Gentlemen who had addressed the House instead of adhering to their texts, had gone out of their way to bring accusations of illegitimate Obstruction against the Irish Members. He need hardly say that he was not going to accept, in its entirety, the challenge thrown out; he should merely ask the House to note the share which the Irish Members had taken in the Obstruction that had been given to the progress of Business during the last two hours. On the first Motion not a single Irish Member rose to address the House. On the second Motion his hon. Friend the Member for Tipperary (Mr. Dillon) thought that the House was irregularly called upon to consider the best means to destroy life in Afghanistan, it might be regularly called upon to consider the best means of saving life in Ireland. His hon. Friend accordingly rose, impelled by a strong necessity, when Her Majesty's Government treated his complaint with silence, he (Mr. O'Connor Power) was one of the Irish Members who sat there and still believed in the good intentions, and that, on the present occasion, it might not be necessary to call upon them for explanation. We have how had their forbearance been treated by the hon. Gentlemen who sat on the

*Mr. J. R. Yorks*

ont Conservative Benches below the  
angway? Why, they had exercised  
forbearance whatever in return, be-  
cause they, rising in their places, re-  
peated a Question which the noble Lord  
the present Leader of the House three  
times distinctly answered. He did not say  
that the noble Lord's answer was satisfac-  
tory; but it was the only one which the  
noble Lord said it was possible for the  
Government to give under the circum-  
stances. He said that as it was in the  
last Parliament, so it was in this—that  
the men who had accused the Irish  
Members of Obstruction had themselves  
been the greatest Obstructives. He be-  
lieved that if the hon. Member for North  
Warwickshire (Mr. Newdegate) had  
given time to re-consider the accusations  
brought against Irish Members in the  
last Parliament, he would not have fol-  
lowed the bad example which had been  
set on the present occasion by younger,  
more inexperienced, and less wise Mem-  
bers of that House who now renewed  
those accusations. As matters had gone  
so far, might he respectfully, and with-  
out subjecting himself and all his Col-  
leagues to another accusation, ask some  
Member of the Government to reply to  
a very temperate speech which had  
been delivered by his hon. Friend the  
Member for Tipperary?

COLONEL MAKINS said, that the last  
Speaker, to serve his own purpose, ap-  
peared to be anxious to shift the charge  
of Obstruction from himself to others.  
The plea upon which the House had  
been induced to give up Tuesdays and  
Wednesdays to the Government was that the  
Session was drawing to a close, whereas  
the end of it appeared to be as far off as  
ever. It was not treating the House  
with fairness to try now and carry mea-  
sures which would have been a very  
simple programme for the end of the  
Whitsuntide Holidays.

MR. ASHMEAD-BARTLETT said,  
the Irish Members had consumed one-  
third of the time of the Session; and of  
the remaining two-thirds, one-half had  
been occupied by hon. Members on the  
Ministerial side. A large portion of the  
time of the House had been wasted by  
right hon. Gentlemen on the Treasury  
Bench, who did not seem to know how  
to compress their answers to Questions,  
their speeches into a reasonable space.  
They had learned to give concise and  
carefully considered answers, and not to

reiterate their views so often, as in the  
case of the Compensation for Disturbance  
(Ireland) Bill, there might have been  
nearly a fortnight of the Session now to  
spare. As a matter of fact, the legiti-  
mate Opposition had only taken up about  
one-fourth of the whole time at the dis-  
posal of the House.

SIR PATRICK O'BRIEN protested  
against it being said that because Irish  
Members had brought the subject of the  
distressed condition of their country be-  
fore Parliament they had been guilty of  
Obstruction. He deprecated the blame  
for the waste of time that had resulted  
from the incapacity of the Government  
being thrown upon the shoulders of the  
Irish Representatives. For his part, he  
should rejoice if Irish Members could  
say that the social condition of their  
country did not require their interference,  
and that they could say their constitu-  
ents were as satisfied as were those of  
hon. Members opposite. It would not  
be necessary then to intrude on the time  
of the House as they had. But there  
was not an hon. Member in the House  
who had heard Irish Members address  
them—whether they agreed with the  
views put forward or not—who would  
admit that Ireland was in that state.  
He would not have risen had it not been  
for the few observations made by the hon.  
Member for Tipperary (Mr. Dillon). He  
(Sir Patrick O'Brien) was one of those  
who concurred with all that the Govern-  
ment had attempted to do with reference  
to the Bill which was so long under dis-  
cussion in the House. But he should  
regret if it should go forth that the state  
of Public Business, or the incapacity of  
the Government to do that which, if  
they had the power, in his mind, it  
would be their duty to do, should lead to  
anything occurring in Ireland, which he,  
for one, as an Irish Member, should  
entirely deplore. He was an Irish  
Member long connected with his county,  
and he was there to express an indi-  
vidual opinion; but he was not prepared  
to take the alarming view that the hon.  
Member for Tipperary had taken, and  
to suppose that in the coming winter  
either the landlords or tenants of Ire-  
land should so far forget the interests  
of their country as, on the part of the  
landlords, to take steps which must  
weigh against them in future when the  
Land Question came on for consideration;  
or, on the other hand, that the unfortu-

nate tenants should so forget the happiness of themselves and their families as to take a course which might subject them to what had been described as decimation and massacre. He trusted that the harvest which would shortly be reaped in that country would be sufficiently abundant to remove some of the despondency which had weighed upon them; but, in any case, he hoped that the good sense of all parties would admonish them to avoid doing anything which might bring about outrages and massacres, which they should all deplore.

SIR JOHN HAY remarked, that circumstances appeared to have changed since he had formerly sat in that House. He had clearly understood from the noble Marquess, yesterday, that the Employers' Liability Bill was to be taken on Friday, and now the noble Lord appeared to have withdrawn from that understanding. The conduct of the Government in the matter was entirely novel, and the noble Lord should state definitely to the House what course would be taken.

THE MARQUESS OF HARTINGTON: Sir, I am most anxious not to be misunderstood on this subject, and there is not the slightest ground for charging the Government with any discourtesy on this matter. I endeavoured, yesterday, to state, as clearly as I could, what were the arrangements with regard to Public Business which the Government thought it right to propose; but, of course, those arrangements depend very much upon whether it is possible or not to carry them out. For instance, we proposed to go into Committee upon the Hares and Rabbits Bill this morning, but we have not been allowed to do so; and if this discussion is continued we may not be able to get into Committee on the measure to-day, or even during the remainder of the week. I do not think that it is desirable that it should be understood that arrangements made beforehand at this period of the Session should be regarded as arrangements absolutely conclusive under all circumstances.

MR. R. N. FOWLER thought it would be for the convenience of the House if the Government would definitely state whether they adhered to the programme foreshadowed by the noble Marquess. He could not understand the great difficulty which the noble Marquess felt in carrying out that programme.

*Sir Patrick O'Brien*

MR. CHAPLIN said, he thought was to be regretted that his Motion given rise to such a long debate. That, however, was not his fault. He did not want the noble Marquess to state definitely that, under all circumstances such and such a Bill should come. But it was important to know what if the Hares and Rabbits Bill was completed to-morrow, it would be continued on Friday.

MR. COURTNEY rose to Order, inquiring whether it was competent for the hon. Gentleman to make another speech.

MR. SPEAKER: The Question before the House being a substantive Motion, the hon. Gentleman has the right to reply.

MR. CHAPLIN hoped that the hon. Gentleman opposite would make himself more fully acquainted with the Rules of the House before he again unnecessarily interrupted an hon. Member in his speech. This debate might have been avoided only the Government had expressed their intentions with more clearness.

SIR WILLIAM HARCOURT said, it was perfectly certain that if his noble Friend had said in case anybody succeeded in talking out the Hares and Rabbits Bill on Tuesday or Wednesday it would not be taken on Thursday or Friday, they would be giving a very wise encouragement to such proceedings.

MR. FINIGAN said, very much charges had been made against the Party to which he belonged; but the risk of bringing himself within accusation of offering illegitimate obstruction, he would not be deterred whenever any question, directly or indirectly, affecting Ireland came before the House, from raising his voice in favour of just, and against any unjust proposals. He had no intention of prolonging the Business of the House, the subject simply being to ask the Chief Secretary for Ireland whether he was prepared to answer the straightforward Question of the hon. Member for Tipperary (Mr. Dillon)? Ireland was the eve of great events, caused by collision of Party factions in England and the exercise of a miserable and narrow spirit in "another place." Irish tenants were now standing between their own little homes and roadside; and if a law, declared by

responsible Government of the country is an unjust law, was to be put in operation during the coming winter, then Government would have to be responsible for what would follow. Both Parliament and out of Parliament Irish Members would, as they had perfect right to do, agitate and organize to the best of their ability, and whatever powers God or nature had bestowed them with, in order to have the Question properly settled. They were now facing a very critical period in Irish history; and he thought it the duty of the Chief Secretary, who was responsible for the government of that country, to give the hon. Member for Tipperary a direct and immediate answer to the Question which had been put to him.

MR. W. E. FORSTER did not understand that the hon. Member for Tipperary (Mr. Dillon) had asked him any question. He simply understood him, in the language part of which he (Mr. W. E. Forster) very much regretted, to make a statement with regard to the present state of matters in Ireland. He understood the hon. Member for Ennis (Mr. Finigan) ask him whether the Government intended to take any steps, or to bring forward any measure, in consequence of what happened in "another place?" As to the Question, he could only reply to the answer he had already given, which the Government saw no reason to change. He could not sit down without saying how deeply he regretted those depredations of evil in the coming winter in Ireland. He thought they were depredations that might do something, but he hoped not much, towards their fulfilment. He could only state that the Government were conscious of their responsibility, and would continue to do their duty. They must preserve peace and order in Ireland.

Question put.

The House divided:—Ayes 23; Noes 123. Majority 213.—(Div. List, No. 1.)

MR. WARTON rose to move the adjournment of the House.

MR. SPEAKER intimated to the hon. Member that his Motion was not in order, no other Motion having intervened since the House had just decided upon the adjournment.

## ORDERS OF THE DAY.

### HARES AND RABBITS BILL.—[BILL 194.]

(Mr. Gladstone, Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.)

#### COMMITTEE.

Order for Committee read.

SIR WILLIAM HARCOURT said, he desired to make a few observations with reference to the Amendments which he had placed upon the Paper, which he hoped might facilitate the passing of the Bill. They seemed to him to be necessary, in consequence of the extraordinary misunderstanding and misrepresentation which he had seen in *The Daily News* of that morning on the subject of these Amendments. The fact was, that the statement in that paper was not consistent with the facts.

MR. SPEAKER, interposing, said, he must call attention to the fact that there were two Instructions to be moved upon going into Committee on this Bill, and that they ought to take precedence of any explanatory statement which the right hon. and learned Gentleman had to make.

MR. LABOUCHERE, in rising to move—

"That it be an Instruction to the Committee to take powers to extend the provisions of the Bill to all game;"

said, the debate on the second reading of the Bill seemed, for the most part, to have been a little family discussion among the landlords and their friends. It would be well, he thought, to spend their time in giving a thoroughly Radical tone to the measure. Some people seemed to think that the Home Secretary had been guilty of sacrilege in attacking this monument of past legislation—the Game Laws—and he perceived, from the Amendment of which the right hon. Gentleman had given Notice, that he had made certain concessions to the landlord interest on the Ministerial side of the House, but had made none to the Radicals; and, therefore, it was that he desired to move the Instruction to the Committee, of which he had given Notice, for extending the Bill to other game besides ground game. The Home Secretary, in bringing in the Bill, said that the right to destroy animals which preyed on the crops should be an in-



alienable incident of occupation. Were not birds animals? Why, then, should the Bill be limited to hares and rabbits? Now, he was not prepared to say that pheasants, partridges, and other winged game did as much damage to the crops as hares and rabbits did; but it would be admitted that partridges and pheasants, and particularly the latter, did a considerable amount of mischief to the crops. He held in his hand a letter from a farmer on this point, which he would quote to the House. The writer said—

"By my lease I was protected from damage from hares and rabbits by the insertion of a compensation clause; but so little was this covenant on the landlord's part regarded by him or his agents, that through the whole of the term protests and threats of proceedings had continually to be employed to prevent its being a complete mockery. The winged game was reserved unconditionally. The first sittings of pheasants' eggs were gathered up by the keepers, and hatched off under barn-door fowls in hen-houses near the keepers' lodges, and early put out with their cooped foster-mothers on a part of the park adjoining the tenants' arable lands. As soon as the barley began to change colour they were lured by the keepers into the standing corn, and might for weeks be seen by the hundred leisurely and fearlessly passing and re-passing the road between the park and the field. If, as in late years has been frequently the case, the wheat was left uncarted long in the fields, the tops of the shocks would be matted and grown together through the pheasants turning them into perches and feeding-ground, and the rakings of wheat and barley would be thrashed out completely through this species of so-called harmless game if left out long through bad weather. As these flocks of tame birds were not supposed to have reached their full size for the market until the end of November, the mischief did not end when the harvest was over. The newly-sown wheat and bean fields near the coverts furnished the next feeding-ground, and so much of the seed corn would they gouge out with their hooked beaks, that it was sometimes necessary to drill the field, or parts of it, again. The mangold-wurzels next received their attention, and cart-loads of these would be perforated or hollowed out to a shell before storage time came. The damage done by partridges is not so great as that done by semi-domesticated pheasants. The former are not reared artificially, and of late the cold and wet in the hatching time has kept down their numbers. This bird lends itself less to the gratification of the craze for heavy game-bags; and were it not that the modern sportsman has substituted driving for the good old fashion of walking them down, which involves too much physical exertion to be in great favour, there would be little probability of the partridges becoming as great a nuisance as the pheasants; but there is no question that where partridges exist in excess they do a considerable amount of harm. Where they are numerous they frequently take out nearly all the seed corn in the drill mark of the furrow. When winter sets in the winter vetches form a favourite pasturage

for them, and, consequently, early growth checked. Swede turnips left for late feed store sheep and ewes and lambs in spring are sharp weather scooped out by the crown, which prevents the spring shoot appearing, or, letting in the frost, causes them to rot."

He thought it would be admitted that that letter was a very fair statement of the damage done. ["No!"] He would refer hon. Members who disputed it to the Reports of the Royal Commission of 1845 and 1871 on that subject. It was said that excessive preservation was the exception, and not the rule. He should say that the man who turned one bird to feed on the crops of his neighbours, without allowing the right of shooting it, would be indulging in excessive game preservation. But what the game was not preserved it was lessened by the plutocrats from the City, and the plutocrats were a greater nuisance than the landlords. These plutocrats had no connection with the land, and no interest in the farmers. They paid for their shooting, and naturally wished to have the most worth of their money, and to vie with the county gentlemen in making game-bags. All this led to excessive preservation; and the result was that a large amount of the crops of the country were eaten up by game, and every year 10,000 persons were convicted for destroying birds which they thought they had a right to kill. ["No, no!"] An hon. Member said "No;" but the Bishop of Manchester did not take the same view. That respectable Prelate said "partridges and pheasants corrupt the virtue of the labourer." The labourers have a natural sense of justice, and although they knew that poaching was against the law they did not consider that it was a crime to poach; and it was a violation of the first principles of justice to make that a legal crime which was no moral wrong. Many of the pheasant eggs that were bought by gentlemen for their game preserves were supplied by poachers; and the labourer might well be astonished that the village squire should encourage him to poach an egg, and afterwards prosecute him for taking the egg when it had developed into a bird. The Game Laws had been termed by Blackstone a "bastard alliance between the forest laws," which were intended to enable the privileged classes to destroy animals that were *feræ naturæ*; Blackstone would be surprised to

*Mr. Labouchere*

Game Laws were passed to enable a country gentleman to raise kinds of poultry for the mere purpose of taking them over after they had fattened on the crops of his neighbour. In the Norman Kings never thought raising game in order to kill it. They only insisted on their rights to kill the game they found within certain forest reserves. A sportsman of old would scout the idea of modern sport—which was the outcome of a long and various civilization. What was this sport about which they heard so much of? It was, as a rule, effeminate, contemptible butchery of semi-domestic creatures. Take pheasant-shooting. Every one knew what pheasant-shooting was. Partridge-shooting was carried on the same principle. ["No!"] Why, partridge driving was the usual way. They shot partridges as they flew overhead. He did not exaggerate when he said that shooting was not a sport in the ordinary and legitimate sense of the word. A system of shooting which existed in the country was an abuse. The shooting at Hurst—was that sport? It was an abuse. Speaking of deer-stalking, it was so lazy or luxurious a sport. Its principal evil was, that they had to deplete enormous tracts in Scotland in order to allow the deer to exist, and that every farmer in the neighbourhood had to enclose his fields most carefully in order to prevent the ferocious brutes from coming down and devouring everything on the ground. He believed that a great mass of country gentlemen would be secretly thankful if something were done to put an end to the present system of preserving. Every pheasant and partridge shot cost them about a sovereign; and, doubtless, they would be so if, in the autumn, they could say to their friends—"I wish I could have shown you some shooting. But for these detestable Radicals, I should have been enabled to do so." They would be grateful to the House of Commons for an excuse. He (Mr. Labouchere) and his political associates would not be satisfied until they had absolutely abolished all the Game Laws, and repealed the Trespass Laws to such purposes that they could not be converted into Game Laws. [Laughter.] Hon. Members might laugh; but that was what was coming in the near future. Game was the common property of all

men. Any law which interfered with the right to take game was an attack upon property, because it interfered with the right of a man to do what he liked with his own. Land also, in a certain sense, might be considered the common property of all. There were three concurrent owners—the community, the landlord, and the occupier. Mr. Williams, an eminent Conservative and a great legal authority, said, in one of his books, that the first thing a student of law had to do was to clear his mind of the notion that there was any absolute property in land. Hon. Members who thought differently would be better able to grasp the nature of the legislation impending over them if they took Mr. Williams's advice and cleared their minds of erroneous views on this subject. He thought it desirable that one or two words should be introduced into the Bill to include winged as well as ground game. If his proposal were adopted in the Bill it would be a very tolerable measure. Even if there were not time to introduce these Amendments this Session, it would be still well for the House to pass this Instruction as a protest against the existing form of the Game Laws. It would show the Home Secretary that instead of being in advance of public opinion he was lagging behind it; and it would show the Government that if they grasped this question in a far more drastic spirit than that which they now displayed they would receive from the Liberal side of the House the warmest and most cordial support. The hon. Gentleman concluded by moving the Instruction to the Committee.

MR. P. A. TAYLOR: Sir, I shall only ask the indulgence of the House for a short time in seconding the Motion of my hon. Friend upon a question which, I think, the House will acknowledge is one in which I have taken a great deal of interest for many years. I need not assure my right hon. Friend the Home Secretary that I have no desire to stop or to obstruct the Bill of which he is in charge. Had I any such intention I should not have waited until this point. On the contrary, Sir, I desire to treat the Bill with all respect. I follow, indeed, the dictum of the poet who tells us that "we must not scorn the meanest thing." There is no use denying, Sir, that the enemies of our iniquitous Game Law system in and out of the House have

experienced a great disappointment at the very small—I would say the insignificant—character of the Bill introduced. Neither the House nor the country can forget that my right hon. Friend the Member for Birmingham, and the present Chancellor of the Duchy of Lancaster, is a Member of the Government, and is a man who has done more than any man in the country to awaken the understanding of the people to the evils of game. Nor can we forget that another right hon. Friend of mine (the Chief Secretary to the Lord Lieutenant of Ireland) nearly 20 years ago led us into the Lobby against the most infamous element in our Game Law system, the Poaching Prevention Act of 1862. I remember that, under the leadership of the right hon. Gentleman, we fought through the night, until broad daylight on one July morning, in an attempt to prevent that iniquitous Bill from being passed. One might, however, suppose that when a Government, containing those right hon. Gentlemen, proposed a Bill on this subject, the first thing they would have done would have been to abolish that particular law. But I am not, for all this, for a moment venturing to blame my right hon. Friends. I have no doubt that they think they are doing the very best that the circumstances of the moment will permit them to do. I know that they have game preservers opposite to them, that they have game preservers behind them, that they have game preservers all around them, and I was content to accept whatever they would offer. I should not, therefore, have ventured to trouble the House to-day but for the fear that more concessions will be made in the direction of weakness. The Bill, as it originally was brought in, was quite small enough to satisfy the most moderate of reformers. If it is to be diminished to the extent that I understand—I had not the honour of hearing the right hon. Gentleman, and I have not had an opportunity of seeing the Papers that he has laid on the Table—but if it is to be diminished in the sense that I have heard, it then becomes a very grave question for us more advanced reformers to ask ourselves whether it would not be better the Bill should be postponed altogether for another Session. Now, my right hon. Friend began by disappointing us. He told us he placed his Bill on a Par-

*Mr. P. A. Taylor*

liamentary basis, and that he based it on the recommendation of a well-known agriculturist, Mr. Clare Sewell Read, and also on the recommendations of the Committees which have sat twice on the subject during the last 30 or 40 years. But my right hon. Friend, when he had got the dictum of a Conservative agriculturist as that which should form the basis of his Bill, took only a very small proportion even of that Conservative agriculturist's recommendation. Mr. Clare Sewell Read, representing the Central Chamber of Agriculture, stated before the Committee that that Chamber had resolved that hares and rabbits should be dropped out of the Game Laws, and that owners and occupiers should have an inalienable right to kill ground game. That was the proper remedy for the evil in the opinion of the Chamber. But my right hon. Friend has taken only a very small and insignificant portion of that recommendation. Sir, one might suppose that when a Bill was to be brought in which was said to contain the recommendation of the Select Committee, that it would have effected the destruction of that abomination—the cumulative penal system. That was one of the things distinctly recommended by the Committee of 1846. Another one of the most injurious parts of the Game Law system is that which gives the informer half the penalty obtained. The abolition of that was also a distinct recommendation of the Committee. The right hon. Gentleman has neglected that also. One important provision which has already been carried into effect with regard to Scotland was a facile and cheap mode of redress for damage by arbitration. We hear nothing of that. Of course, it is nothing to say that those for whom it is principally concerned—the people of England—are not at all considered in the matter. The 10,000 convictions that take place every year, the wholesale demoralization alluded to by my hon. Friend the Member for Northampton (Mr. Lubbock)—they are altogether left outside of the four corners of this Bill. Now, I am not sure that the Bill would not leave the agricultural labourer, in one respect, in an actually worse condition than that in which he is now, because when it is passed he will have a number of inferior and second-rate game preservers in the farms themselves, and in place of every single

prosecution now there may be two or three under the provisions of this Bill. Still, Sir, notwithstanding all these objections, I should not have risen at the present time to criticize the measure, but for the fear which is generally expressed that the Government intend to go further to modify this very moderate Bill. I say nothing about my own opinion as to what good it will be to the farmer; but I must say one or two words on the general effect of the Bill, because it is doubtful whether it will be of any good whatever, and, therefore, any further modification must render the Bill nearly unworthy of our support. I can hardly see how the farmer is to get any pecuniary good from this Bill, because, according to the law at the present time, only the ground game, but the whole of the game, belongs to the occupier, unless he specifically makes them over to his landlord. If he is strong and able, then he keeps the game. If he is weakly and weak, he cannot prevent the preservation of game now, and he would not be able to prevent the preservation of game under this Bill. There has been much talk about the violation of contract, and also, upon the other hand, it is said that honourable landlords are not likely to fail in their pledges; but the Bill, in my opinion, does not touch these questions at all. There is no need for any violation of contract. What more natural than for a landlord to say to a farmer—"Well, my good friend, I am very happy to have the game for my tenant; it is eminently desirable that we should keep a good relationship, and that we should have a common understanding as to the cultivation of the land, that we should work harmoniously together. I suppose you would not wish to destroy all the game on the estate." The tenant, of course, would reply—"Oh no, master; I am not one for that." That may be the only contract, and then, afterwards the ideas of landlord and tenant on the subject of game preservation may be found not to agree, why, then, the landlord gives the man notice to quit—and there is an end of safety under this Bill. But, further, the landlord would not violate the Act if he said to his tenant on audit day—"You have enjoyed very honourably our understanding; you have preserved as much game as I want; there is 10 per cent off your rent." That would not be a part

of the contract; but, nevertheless, the result of it would be to defeat the Bill. Then, again, what could the farmer do if the landlord evaded the Bill by excluding his coverts from the four corners of the lease altogether? The Bill would then be no use against the worst enemies of the farmers—the rabbits—because, even if the farmer or his principal servant killed them in the open, if they cannot go into the coverts and stop them there, they cannot prevent the injury done by these pests. Although I do not speak as a practical man, I believe that every practical man will tell you, and I find the fact in our Blue Books, that you cannot possibly get rid of rabbits by shooting them in the fields; you have to snare them in the hedgerows, and ferret them out of the holes if they are at all to be kept under. Still, of all this I do not complain. I take it for granted that this Bill was as good as possible, and I am bound to admit that, so far as I can judge, the farmers take a much more favourable view of the Bill in regard to its effect upon themselves than I do. I will not put myself, or the cause for which I have acted for so many years, in the thankless and unenviable position of enabling the farmers to be able to say, even plausibly—"Here is an irreconcilable theorist, and because the man cannot get what he wants, he stands in the way of the efforts of the Government to benefit us." I therefore resolved at first to say nothing at all. Moreover, the language of my right hon. and learned Friend the Home Secretary in introducing the Bill very much more reconciled me to it, because he said that he brought forward this Bill now, and that if the House did not pass it, the alternative was the abolition of the Game Laws. It follows, therefore, quite distinctly, that if, as I believe, this poor palliative will be found to have failed, that my right hon. and learned Friend is clearly and obviously bound to take his other course, and go for the utter abolition of the Game Laws. Moreover, he says—"I am not dealing with the Game Laws themselves, that is a question that will come by-and-by. It is an urgent and important question." I was delighted to hear him say that it was to be dealt with in a not distant future. It appears, however, as he has told us, that he is not dealing with the Game Laws at all, and when he also declared that he was merely dealing with

the principal grievance which was affecting farmers, I felt, of course, entirely reconciled, and that the best plan I could take was not to complain of this little Bill, and to trust to the farmers and the right hon. Gentleman in the future. If there is one thing more astonishing than another in the course of these debates, it has been the wonderful change of opinion since I first came to the House on this question. I have been told many times that I am a fanatic on this question; but I shall, really, after what has taken place, be inclined to look upon myself as a prophet. When I hear hon. Gentlemen, from the mountain of the Opposition, declare that the evil of the Game Laws was a crying and an enormous one, with which the farmers of this country neither could nor would put up with much longer, I confess I was astonished at the change of opinion, and I was not surprised to find that I had a Government pledge at no very distant date to my measure for the abolition of the Game Laws; not absolutely and universally pledged, I am sorry to say, for I heard with regret and surprise the observations that were made by my hon. Friend the Secretary to the Admiralty (Mr. Shaw Lefevre), in which he declared that the abolition of the Game Laws neither was nor could be admitted, because if it were, a stringent trespass law would be obliged to be passed, and that would be a Game Law and something more. I trust my hon. Friend will have repented of his heresy before a very long time has passed, or he will find himself in singular disunion with the right hon. Gentlemen with whom he sits. He maintains the system of the Game Laws because it completes the divorce between the population and the land; but I have heard my right hon. Friend the Chancellor of the Duchy of Lancaster make an eloquent speech upon this subject, and I agreed with every word he said when he denounced a system which allows to the great mass of the population no interest and no enjoyment in the land but the right to walk along the high road. I think that the heresy of my hon. Friend is as capable, as nearly as possible, of mathematical refutation as any theory could be. Tree-passers upon the land are of two kinds—those who trespass in pursuit of game, and those who do not trespass in pursuit of game, but who go in search of birds'

*Mr. P. A. Taylor*

nests or to gather flowers, or to do anything else of that kind which takes population on to the land. They so far as these Game Laws are concerned of course be in precisely the same category as now; and in respect to who trespass in search of game, manifest that when you have abolished the laws which keep up the hedge game, you will have enormously diminished the head of game on the land; you will consequently have proportionately diminished the temptation to pass. We have long been told by Gentlemen opposite that the old mental poacher is gone, and that we have now only the villain who runs money out of poaching as a business. Very well; then the villain presently will not be able to make money out of it; everyone knows perfectly well that it is quite possible to have enough game for the purposes of sport in the old English style, and yet not to have half enough to tempt the professional poacher. I am, Sir, therefore, humbly thankful for the present Bill, and I believe that the hon. Gentlemen opposite do not dislike the Bill so much for the practical effect of it as because they cannot get a daring finger should even touch their sacred Game Laws. I am, therefore, for this Bill heartily thankful. I am not if it is to be emasculated and disembowelled of all the good it contains. I have not seen the Amendments of my right hon. and learned Friend, and I have not read what they are; but I say at once that if they are framed with the object which I understand shall strongly object to them. If it is to be an Amendment which forbids the occupier to kill game except by night, that is a fatal blot in the Bill. [Sir WILLIAM HARCOURT: That is not the case.] I am delighted to hear it. If there is an Amendment which prevents the use of surface traps, which cannot be set where hares and rabbits run because they may catch other delicate creatures, that would be a most disastrous limitation. [Sir WILLIAM HARCOURT: Hear him.] Another thing has been said, and I am sure my right hon. and learned Friend will be able to deny it absolutely. I infer, from what I have seen in the papers, that he is now, for the first time in the history of this Bill, going to set up a season for ground game. [Sir WILLIAM HARCOURT: No, no!] The right

I learned Gentleman, I am happy to say, by his replies, has entirely destroyed the effect of the criticisms which I wish to make, and I shall, therefore, not attempt to delay the passage of the Bill by talking any more about it. It is a Bill which does something; and, therefore, I thank him very cordially for its introduction. I thank him, however, above all, for the promise he has held out to the House that, at no distant date, we may look forward to the abolition of the Game Laws as a Government measure.

Motion made, and Question proposed, "That it be an Instruction to the Committee, that they have power to extend the provisions of the Bill to all game."—(Mr. Labouchere.)

SIR WILLIAM HARCOURT said, that, judging from his state of alarm, the hon. Member for Leicester (Mr. Tylor) had evidently been reading nothing but *The Daily News*. The statements in that paper concerning this Bill were entirely inaccurate; and the conclusions drawn from them were, therefore, groundless. The hon. Member had complained that the Bill did not remove the evils of the Game Laws. That was perfectly true. It did not propose to be a Bill to amend the Game Laws as a whole, though he hoped to see such a Bill introduced one day, as those laws certainly required amending. The Bill was meant to remedy a special grievance of the farmers. It had been charged against him by the noble Lord the Member for Haddingtonshire (Lord Alcho), as if it were a mistake, if not a crime, that he avowed that the Bill was brought in in the interest of the farmers. Well, he said again that it was a Bill for which the farmer wished. His hon. Friend the Member for Northampton (Mr. Labouchere) desired to see the provisions of the Bill applied to pheasants and partridges; but, if he referred to the Report of the Select Committee, he would see that they stated that the complaints were principally directed against ground game, and that it was shown that little harm—other than that which could be easily prevented—was done by winged game, while partridges, by their consumption of the insects, were a benefit to the farmer. He could not help thinking that the hon. Members for Northampton and Leicester would not be doing what the farmers desired if they imperilled

the passing of this Bill, as they would do if they succeeded in introducing partridges and pheasants into it. The object of the Bill was to secure the crops of the farmer, and not to destroy sport. He had always regarded crops as being more important than sport, and held that, if the two things were inconsistent, the sport of the gentleman should yield to the crop of the farmer. So far, however, as the two could be reconciled, he had always desired that that should be done. He had never disparaged sporting at all, so long as sporting could be enjoyed without the destruction of crops. What was desired was that sporting should not be pursued where, for the pleasure of the few, the interests of the many were sacrificed. The Bill was meant to protect the crops of the farmer, without interfering more than was necessary with the sport of other people—to do as much good to agriculture and as little harm to sporting as was possible. He had stated the principle of the Bill on the second reading, with the desire of seeing Amendments put on the Paper by hon. Members representing the interests of the farmer and of the sportsman, and examining them with a view of deciding which he could fairly adopt, having in view the interests of both parties. As the Bill stood, its 1st clause declared a naked right; the Proviso declared certain limitations of that right. The Amendments on the Paper might be grouped into two classes. They did not amount to 140, as had been stated by the hon. Member for Mid Lincolnshire (Mr. Chaplin), as the right hon. and gallant Admiral opposite (Sir John Hay) had a considerable number of Amendments down to alter "ground game" into "hares and rabbits." After the first was disposed of, it could not be supposed that the right hon. and gallant Member would force them to discuss and vote on each of the others which remained, as they all referred to the same subject. The enumeration referred to was, therefore, delusive. In the Proviso he had put on the Paper he had dealt—he would not say satisfactorily to all hon. Members, but he hoped to many—with the Amendments. He did not think that any of the Amendments were altogether incompatible with the principle of the Bill save that of his hon. Friend the Member for Stroud (Mr. Brand). He was not going at the present time to discuss whether the proposal was,

in the abstract, a good or a bad one; but would simply say that, in his view, it was impracticable, and could not be introduced into the Bill. The noble Lord the Member for Haddingtonshire had also proposed certain Amendments; but they were, in his view, incompatible with the scope of the Bill. There were other Amendments, however, which were not of that character, and which were not incompatible with the principle of the Bill. As to those which he had been unable to adopt, one had reference to the use of the gun by farmers. It was asked why farmers should be allowed to use the gun—why they should not be limited to snares and traps? He was not prepared to say that it was not possible to destroy hares and rabbits without using the gun; but he must say that this Bill would be utterly unacceptable to the class in whose interests it was framed if the use of the gun was prohibited. He thought, indeed, it would be a very ungracious and—he did not use the word offensively—a very shabby act if such a prohibition were to be enacted. He did not think it was in the interests of sport to give to the farmer simply destructive facilities, and to forbid him the more dignified method, approaching somewhat to the character of sport. It was far better, in his opinion, that they should interest the farmer in the sport in which the landlords themselves engaged, and not to say to them—"I am here for a few days in the year and can use a gun; but you, who live all the year round on the estate, must not use such a weapon; I confine you to the lower methods." For his own part, he had lived from his earliest youth on an estate where it was always the habit to give the farmers the right of shooting all the game. What was the consequence? There was not a tenant there who might not do exactly as he liked—shoot hares, rabbits, and partridges—and there was not a keeper in the whole place. Yet there were a great many partridges and hares on the estate, and much better sport was enjoyed than on estates where keepers were employed. It was well to treat farmers in a generous spirit. He had talked, the other day, with a large farmer holding under the Duke of Roxburghe, who had expressed astonishment at the opposition to the Bill, because it would give him nothing that the Duke did not give to every one of

his tenants. He (Sir William Harcourt) admitted that the main object of the Bill was to keep down hares and rabbits; but if, in carrying out the object, the farmer incidentally enjoyed some little sport, why should it be grudged him? If a farmer saw a rabbit eating out the heart of his prize turnip or favourite carrots, there was a natural feeling of resentment at the act—such a feeling as would prompt him toavenge himself on the spot—not to wait till night, and entrap the offender in a snare. With regard to the close time, Mr. Clare Read had expressed his willingness to consent to one of three months—namely, April, May, and June—but if the Bill were taken advantage of for the first time to create a close time for hares, it would be somewhat incongruous and illogical. There was no suggestion on the part of the Government in framing the Bill, and he could not now see his way to adopting any such principle. It was true, a close time existed for hares in Ireland; but that was one of the eccentricities of Irish legislation. As to the Amendments which had adopted, the first had reference to the persons to be authorized by the occupier to kill game. There was a little alteration in the original proposal. Instead of enacting the proposal in clause, he had put it in as a limitation. There was no alteration in the original Bill with the exception that, under pressure, he had confined the outsider, not being a member of the farmer's household or in his service, to one instead of seven. What this man ought to be was a professional rabbit-killer. Many people did not know how to kill rabbits. Notice was to be given to the collector of taxes as to who was this authorized agent. That was really the only alteration he had made in the "unauthorized agent," with the exception of introducing notice of other persons entitled to kill game. He came now to the second proposal. He had excluded from the right of killing game those who had only "commoners" rights. His Amendment had reference to the prevention of using firearms by night. He did not know that anyone should be shooting by night, and during the darkness it was much more probable that greater execution would be done snaring than by discharging a double-barrelled gun. There was another Amendment which was, perhaps, more

*Sir William Harcourt*

ess of his crops, and for the remainder of the year the landlord would be able to enjoy undisputed sport. Such an arrangement would do satisfactory and substantial justice between owner and occupier, and they might expect it to afford a fair settlement of the question.

MR. GURDON said, he believed the farmers of Norfolk were unanimously in favour of this Bill; but they were by no means prepared to accept the Amendment of the hon. Member for Northampton.

MR. LABOUCHERE said, that after the statement of the right hon. and learned Gentleman that his Amendment, adopted, would render it impossible to go on with the Bill this Session, he would, with the permission of the House, withdraw it. The measure did not go very far; but, as far as it went, he did not desire to defeat it.

SIR JOHN HAY said, the right hon. and learned Gentleman the Home Secretary had alluded to some Amendments he (Sir John Hay) had placed on the Paper with reference to this Bill. It was quite true there were no fewer than 14 of them; but, as the House would see, they were, for the most part, merely consequential amendments. It was the supposition that there was a large amount of feeling in favour of this Bill among the farmers. Now, a question had been put to him by the constituency who had recently elected him with reference to this Bill, and his answer was that he would not support it—an answer for which he had given very good reasons. The first reason was that it was an interference with freedom of contract. It was to be recognized that there were other persons besides landlords and tenants affected. He happened to represent a constituency in which there were few tenant farmers. The majority of his constituents were persons who ate rabbits, not farmers who were eaten up by them; and those people were considerably opposed to the Bill as it at present stood. They were also opposed to the attempt to introduce between man and man these restrictions in the matter of freedom of contract. They knew very well that for women and children, and for seamen under certain conditions, it was necessary and right that the Legislature should interfere; but if this principle were admitted as between landlord and tenant, it would very soon follow between tenants and the much larger class whom tenants em-

ployed. It seemed to him very injurious to the public welfare that tenants, contrary to the wish of their landlords, and contrary to their contracts, should be committing an act for which the herd or the shepherd would get six weeks' imprisonment. In Scotland that was felt very strongly to be injurious to the people. It was for that reason, and acknowledging and recognizing, as he did, that some legislation of this kind might be necessary, that he was exceedingly desirous of seeing hares and rabbits struck out of the game list, and so remove the anomaly which was evident in the large portions of the population of the country being liable to be punished, while a small number of persons were allowed to break the law and their contracts by the regulation of this Act of Parliament. It was for that reason that he had placed on the Paper his Amendments. He agreed entirely in the suggestion that ground game should be struck out of the Bill entirely. He felt that taking hares and rabbits and calling them ground game was to legislate in the direction of giving to farmers a right to break their contracts—should do that which the large majority of the population—"Divide!" He held that it was a bad form of legislation to place a penalty upon one class—the larger class—to whom he understood the Government were about to extend the franchise, while, at the same time, to set before them the fact that a smaller portion of the population were able against their contracts to do lawfully that which was illegal. He trusted that the right hon. and learned Member in charge of the Bill would make the change he had suggested. It was only the change of a few letters; but it would have the effect of taking hares and rabbits out of the game list, and make it no longer criminal to kill them. He had recently seen a large number of tenant farmers, and he believed that there was no desire on their part to abolish the Game Laws. They were found extremely advantageous for the protection of turnips and other things which were exceedingly necessary for the tenant farmer.

MR. JAMES HOWARD expressed regret that the Home Secretary had listened to those who advised him to put these Amendments on the Paper. It was stated that the Norfolk Chamber of Agriculture had approved these Amend-



the Bill had been brought in. The tenant farmer felt at last that he would have some chance of relief from the ravages of ground game. It would have been far better, however—and he (Mr. Wiggin) had wished that the right hon. and learned Gentleman the Secretary of State for the Home Department could have seen his way sufficiently clear—to have gone somewhat further, and have given the tenant an exclusive right to deal with the ground game, rather than a concurrent right. The concurrent right might probably produce much jealousy and ill-feeling between landlord and tenant. For instance, if the landlord heard some morning that the tenant had shot six or seven hares the day before, the landlord would make haste to secure his quota, and between them these useful animals, in the right place, would be exterminated. Beyond that, an exclusive right for the tenant would do much to tempt men of capital and enterprise to enter upon agricultural pursuits. He might be told that the tenant had that right now; but if such were the case the law was a dead letter. It was really a monstrous thing that a tenant should be called upon to supply food for an unknown quantity of hares and rabbits for the benefit of his landlord; and the principle which he suggested was that which he acted upon in his arrangements with his own tenants, in whose case he bargained with them for the shooting, if they did not care to have it themselves. With a fair rent, and moderate rates and taxes, and an exclusive right to the ground game, the English tenant farmer, notwithstanding this excessive foreign competition and variable climate, would yet be able to hold his own against the competition of all the world.

SIR JOHN KENNAWAY could not imagine that the House would consent to the Instruction moved by the hon. Member for Northampton. If he made a few remarks upon the present position of affairs, it was with no desire to delay the progress of the Bill, the principle of which, it ought always to be remembered, had been assented to without a division on the second reading. Therefore, the objections now raised to interference with freedom of contract could not be entertained, as they might have been if the House was discussing the Bill for the first time. The principle of the Bill having been assented to, they were, to some extent, bound by it, and

*Mr. Wiggin*

that principle was this—It was considered contrary to public policy if the occupier should wholly divest himself of the right to protect his property in the growing crops, and that this property was entitled to the same protection as all other property. It was said such protection was never less necessary than at the present time, when on many estates ground game had been kept down to such an extent that there was a practical grievance; but they must go forward to a time when there would be the same competition for farms there had been in the past. It was desirable that tenants should be encouraged to lay out capital freely, and to devote their energies to agriculture. He could not conceal the fact that their agriculturists had to face a severe competition. It was necessary that farmers should not be unduly weighted; and, in fact, landlords were to have their rents, must not be too particular about rabbits. But this measure, as introduced, was a tremendous interference with what had been the law and custom and habit of country life in England. In all the cases in which freedom of contract had been interfered with by legislation the interference had been defended on the ground that it was necessary to make the practice of the landlords, or shipowners, or factory owners, compulsory upon all; but the Bill went further than was necessary for such a purpose as that. What tenant farmers wanted was a protection right, not a sporting right. He believed the Bill would destroy much of the feeling between landlords and tenants, and in that way might do more harm than good. It might even have a worse effect than that. At the same time they would all thank the Home Secretary for the manner in which he considered the Amendments on the Paper; and he hoped he would, in the same spirit of concession, give special attention to the Amendments of which Notice had been given by the hon. Members for Richmond, Sussex, and East Angles, which seemed to give the protection to the tenant which he needed. They would restore the landlord and tenant power to enter into a contract to limit the time in which the right should be exercised to three or four months. During that time the tenant would have power to restrict the number of ground game to an extent reasonably compatible with the

loss of his crops, and for the remainder of the year the landlord would be able to enjoy undisputed sport. Such an arrangement would do satisfactory and substantial justice between owner and occupier, and they might expect it to afford a fair settlement of the question.

MR. GURDON said, he believed the farmers of Norfolk were unanimously in favour of this Bill; but they were by no means prepared to accept the Amendment of the hon. Member for Northampton.

MR. LABOUCHERE said, that after the statement of the right hon. and learned Gentleman that his Amendment, if adopted, would render it impossible to go on with the Bill this Session, he would, with the permission of the House, withdraw it. The measure did not go very far; but, as far as it went, he did not desire to defeat it.

SIR JOHN HAY said, the right hon. and learned Gentleman the Home Secretary had alluded to some Amendments he (Sir John Hay) had placed on the Paper with reference to this Bill. It was quite true there were no fewer than 14 of them; but, as the House would see, they were, for the most part, merely consequential Amendments. It was the supposition that there was a large amount of feeling in favour of this Bill among the farmers. Now, a question had been put to him by one constituency who had recently elected him with reference to this Bill, and his answer was that he would not support it—an answer for which he had given every good reason. The first reason was that it was an interference with freedom of contract. It was to be recognized that there were other persons besides landlords and tenants affected. He happened to represent a constituency in which there were few tenant farmers. The majority of his constituents were persons who ate rabbits, not farmers who were eaten up by them; and those people were considerably opposed to the Bill as it at present stood. They were also opposed to the attempt to introduce between man and man these restrictions in the matter of freedom of contract. They knew very well that for women and children, and for seamen under certain conditions, it was necessary and right that the Legislature should interfere; but if this principle were admitted as between landlord and tenant, it would very soon follow between tenants and the much larger class whom tenants em-

ployed. It seemed to him very injurious to the public welfare that tenants, contrary to the wish of their landlords, and contrary to their contracts, should be committing an act for which the herd or the shepherd would get six weeks' imprisonment. In Scotland that was felt very strongly to be injurious to the people. It was for that reason, and acknowledging and recognizing, as he did, that some legislation of this kind might be necessary, that he was exceedingly desirous of seeing hares and rabbits struck out of the game list, and so remove the anomaly which was evident in the large portions of the population of the country being liable to be punished, while a small number of persons were allowed to break the law and their contracts by the regulation of this Act of Parliament. It was for that reason that he had placed on the Paper his Amendments. He agreed entirely in the suggestion that ground game should be struck out of the Bill entirely. He felt that taking hares and rabbits and calling them ground game was to legislate in the direction of giving to farmers a right to break their contracts—should do that which the large majority of the population—["Divide!"] He held that it was a bad form of legislation to place a penalty upon one class—the larger class—to whom he understood the Government were about to extend the franchise, while, at the same time, to set before them the fact that a smaller portion of the population were able against their contracts to do lawfully that which was illegal. He trusted that the right hon. and learned Member in charge of the Bill would make the change he had suggested. It was only the change of a few letters; but it would have the effect of taking hares and rabbits out of the game list, and make it no longer criminal to kill them. He had recently seen a large number of tenant farmers, and he believed that there was no desire on their part to abolish the Game Laws. They were found extremely advantageous for the protection of turnips and other things which were exceedingly necessary for the tenant farmer.

MR. JAMES HOWARD expressed regret that the Home Secretary had listened to those who advised him to put these Amendments on the Paper. It was stated that the Norfolk Chamber of Agriculture had approved these Amend-

ments; but Mr. Clare Read, at the meeting, distinctly stated that he desired to see the Bill passed exactly as it was printed. In that opinion he (Mr. Howard) entirely concurred. No reasons, moreover, had been advanced for bringing forward these Amendments. He would remind hon. Members that something like one-third of the farmers of England were already in possession of the sporting rights of their holdings, and the demand for the Bill came from that portion of the farmers who did not possess those rights. The farmers now in possession of sporting rights did not exercise them in an unfair and unsportsmanlike manner, and no attempt had been made to show they did. He maintained that there was no reason to conclude that those who would be intrusted by the Bill with the same rights would do so. His own little estate was surrounded by farmers big and little, who possessed a concurrent, or the sole right to the game, and not one of them exercised his rights in a way which would justify the limitations which the Amendments would impose.

MR. CHAPLIN said, that the hon. Member for Northampton had signified his willingness to withdraw his Motion. He was glad he had done so; but the hon. Member made certain observations of a caustic character in reference to the landlord that he (Mr. Chaplin) could not allow to pass without making one or two observations in reply, and in vindication of the conduct of those gentlemen of whose body he himself was a Member. The hon. Member had spoken of the eventual abolition of the Game Laws, and he was followed by the hon. Member for Leicester (Mr. P. A. Taylor). Those two hon. Members apparently regarded the complete change or abolition of the Game Laws as a matter which could not be long delayed. When they made those observations he was very much surprised to hear cheers coming from the right hon. and learned Gentleman the Home Secretary. [Sir WILLIAM HARCOURT: No!] He was delighted to get the admission that the Home Secretary was opposed to the abolition of the Game Laws.

SIR WILLIAM HARCOURT: The second statement of the hon. Member is as inaccurate as the first.

MR. CHAPLIN said, that the right hon. and learned Gentleman, having

*Mr. James Howard*

made that exceedingly courteous observation, ought to have pointed out in what the inaccuracy consisted. What was to infer? He heard the right hon. and learned Gentleman say "Hear, hear" to a remark of the hon. Member Northampton (Mr. Labouchere), in which he spoke of the abolition of the Game Laws.

It being ten minutes before Session of the clock, the Debate stood adjourned till *this day*.

CENSUS (SCOTLAND) BILL—[*Lords*]  
(*Mr. Arthur Peel*.)

[BILL 286.] CONSIDERATION.

Order for Consideration, as amended read.

MR. C. DALRYMPLE said, following to the important statement made the previous evening by the Secretary of State for India, he had lost the opportunity of making the Amendment to this Bill of which he had given Notice. There was an important omission in the Bill, in so far as the column relating to religious profession was concerned. In 1861, Sir George Cornewall Lewis was in favour of such a column, though it was withdrawn at the time, and the hon. Gentleman expressed a hope that it might be re-inserted. In 1871, again, Mr. Bruce, the then Home Secretary, was in favour of such a column; and (Mr. C. Dalrymple) should have been glad to move the insertion of a similar one on this occasion. He did not himself attach much importance to the numbers of religious denominations. There were some people, however—such as the hon. Member for Edinburgh (Mr. D. M'Laren)—who got Returns on the subject, and on whose accuracy, when favourable to the object they had in view, they threw doubt.

MR. D. M'LAREN wished to know whether that was not "contentious" Business according to the Rules of the House. He wished to have an opportunity of replying to the hon. Member, and he was afraid if he did so he should not be in Order. He begged, therefore, to move the adjournment of the debate.

MR. SPEAKER said, that if the order of the Day was opposed it could not be proceeded with at that time.

Consideration, as amended, deferred till *this day*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

### ORDERS OF THE DAY.

HARES AND RABBITS BILL.—[BILL 194.]

*Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.*)

Order read, for resuming Adjourned Debate on Question [10th August],

“That it be an Instruction to the Committee, that they have power to extend the provisions of the Bill to all game.”—(*Mr. Labouchere.*)

Question again proposed.

Debate resumed.

MR. CHAPLIN, resuming his speech on the Amendment of the hon. Member for Northampton, said, he had found, upon reference, that his statement that the Home Secretary had cheered the hon. Member for Northampton, when he said the Game Laws would be abolished at no distant date, was incorrect to this extent—that it was an observation to that effect from the hon. Member for Leicester (Mr. P. A. Taylor) at which the right hon. and learned Gentleman cheered. However, while he accepted the Home Secretary's denial, it was important to observe that in the history of the present Administration, when the Gentlemen below the Gangway were determined on any particular measure, it was certain before long to be taken up by the Government. If, therefore, this hobby were pressed on the Government the House would some day find the right hon. and learned Gentleman in favour of the abolition of the Game Laws. He wished to vindicate owners of land who were fond of shooting from the attacks made upon them by the hon. Member for Northampton. The Motion they were discussing was an Instruction to add winged game to the Bill; but the hon. Gentleman proceeded to inveigh against deer parks. [*Mr. LABOUCHERE: Against all game.*] He (*Mr. Chaplin*) had thought that was winged game, and that the hon. Member was classing deer with winged game. At any rate, the hon. Member

had declared that the effect of establishing deer forests in districts in Scotland was to depopulate these districts. That was a complete mistake. What was the population of a sheep farm? On many thousands of acres they would only find a couple of families, with a shepherd and his wife and family in each. That would be the entire population. Of late years a good many sheep farms in the Western Highlands had been cleared out, because the sheep could not be kept through the rigorous winters we had been having, and the land had been turned to advantage as deer forests. What with foresters, ghillies, and other attendants, so far from depopulating the country they had very largely increased the population, and added very much to the wealth distributed amongst all the inhabitants of these districts. Then the hon. Member spoke of sportsmen being guilty of contemptible butchery. What did he mean by that? Did the contemptible butchery begin at 100 or at 1,000 pheasants a-day? When the hon. Member spoke of the pheasants being driven into a corner and shot he showed that he could never have been present at any battue shooting, for it was sport that required a great deal of skill. Some of the finest specimens of shooting he had ever witnessed were at battues. Then, again, in regard to partridge and grouse driving, the hon. Member had spoken of it as an effeminate occupation; but he thought if some hon. Members who were engaged in more or less effeminate and sedentary occupations during the Session were to try a little grouse driving they would find themselves pretty well cooked before the day was out.

SIR EARDLEY WILMOT said, he had been returned by the tenant farmers of South Warwickshire to endeavour to redress the great grievance under which they suffered from the ravages of ground game, which they had no opportunity of reducing. Having formerly resided in that district, he was personally cognizant of the very great evil which a superabundance of ground game caused to the crops, and, on one occasion, he had seen in a single small close 40 hares eating up the young wheat. From that and other similar experiences he had long held the opinion that the tenant farmers suffered greatly from ground game; and, therefore, as he had, for the sake of the farmers,

heartily supported the Prime Minister in his proposal to abolish the Malt Tax, he should also give the most cordial support to the measure introduced by the Home Secretary. Speaking from intimate knowledge of the views of tenant farmers, he could say that they had no wish to do away with the Game Laws. The farmer was as fond of sport as any man; and he heartily sympathized with them, not only in their wish to reduce the damage they suffered from ground game, but also in their desire to participate with their landlords in the pleasure to be derived from a few days' coursing or shooting. With regard to the question of compensation, he could not support any proposal in that direction, as he believed compensation would only leave a feeling of dissatisfaction and heartburning on both sides. In the interest of the tenant farmers he had come a long distance that day in order to support the Home Secretary's Bill; and he should stick to the right hon. and learned Gentleman as long as he, on his part, stuck to the Bill.

LORD ELCHO congratulated the Home Secretary on the enthusiastic support he had found on the Conservative Benches, and hoped that the hon. Baronet (Sir Eardley Wilmot) would in due time reap his reward. He (Lord Elcho) did not rise to discuss the general question; but to say a word or two on the Instruction which the hon. Member for Northampton (Mr. Labouchere) wished to give to the Committee. He must confess that, like the hon. Member for Mid Lincolnshire (Mr. Chaplin), he thought it referred only to winged game; and it was, no doubt, the case that at the commencement of his speech he went largely into this question, and referred to the Reports of two Committees or Commissions on the subject. The hon. Member had evidently not read the Reports of these Commissions, on which he professed to rely. [Mr. LABOUCHERE said he had.] At all events, that was the conclusion one might draw from his speech. He (Lord Elcho) had sat for two years on the Committee to inquire into the Game Laws, in 1872-3; and he remembered that Mr. Clare Read then said that not only did winged game do no harm, but that partridges absolutely did good on the land. If the hon. Member for Northampton and the hon. Member for Leicester, or the Home Secretary,

*Sir Eardley Wilmot*

thought they could render a service to the farmers by doing away with Game Laws or the Law of Trespass, they were grievously mistaken. The hon. Member for Leicester appeared to think that the ordinary community ought to be confined to the high road. [P. A. TAYLOR said, he had not made such proposal.] Well, the point was not worth insisting upon; but they had evidence before the Committee that it was the general opinion that they must increase the stringency of Trespass Laws if they abolished Game Laws, and when the last Committee came to draw up their Report Mr. M'Combie, the great advocate of change in the farmer's interest, tabled a Resolution that it was desirable that the Game Laws should be abolished, provided that a more stringent Law of Trespass were enacted. He called the attention of the Chancellor of the Duchy of Lancaster to this. It was unquestionable, in fact, that farmers would require some safeguard against the incursions of the general community upon their property if the protection afforded by Game Laws were swept away. It could corroborate all that the hon. Member for Mid Lincolnshire (Mr. Chaplin) had said on the question of food supply. Taking the figures of Mr. M'Combie as the accuracy of which, no doubt, some people disputed—the Chairman of the Committee on the Game Laws arrived at the very remarkable conclusion that the formation of deer forests in the country had not increased the price of mutton by more than one-tenth of a penny per lb.—and that, too, without taking into calculation inappreciable sums. The whole *animus* of this question was jealousy of land. The sentiment betrayed itself distinctly in the speeches of hon. Gentlemen who followed the Gangway, showing the truth of the French saying—“*La démocratie c'est l'envie.*” The hon. Member for Northampton (Mr. Labouchere) understood French very well, having been “Besieged Resident in Paris” for many months during the time of the Commune, and where, perhaps, he imbibed the present Communistic views. [“oh!”] He (Lord Elcho) adhered to what he said, for the hon. Member's views with respect to land were Communistic. Hon. Members opposite talked very glibly about dealing with the la-

he had observed that in the essays pamphlets they wrote on the subject was always to be found on the title the words "All rights reserved," if anybody offered to touch their property they were up in arms at once. Well, the landlords wanted to reserve their rights also. He had said that the views of the hon. Member for Northampton were Communistic; and if they were not, he did not know what Communistic views were, for that hon. Gentleman denied the property of the landlord in the land. He argued that there was no concurrent right in the land; that because the owner's right in the land there was also that of the tenant and the community. The hon. Gentleman, however, stopped there; he forgot the tiller of the soil, the labourer, who, after being enfranchised, would, doubtless, be a fourth party having an interest in the land. He should like to apply to the question a practical test. He begged the hon. Member owned some newspaper. He thought it was *The Daily Telegraph*. ["Oh!"'] If not, it was not. But let them take any newspaper. Applying to it the hon. Member's arguments respecting land, might he (Lord Elcho) equally make out that not only the proprietor but the printer, the writers of articles, the printer, the newsboy, and the reader had all a concurrent interest in it? Land had, he thought, the interests of the State, been allowed to get into private hands, and remain in the same families for long periods, the State considering it its duty to protect it, as well as the property in a newspaper. No one who owned land, or was even likely to own it, would deny that the State had a right, if it did not think that private property in land was for the public good, to take it from the individual; but this could only be done on the same terms as the public could buy up Water Companies and railways, by paying adequate compensation for it. He entered his protest against the attempt to draw a distinction which would not stand examination between land and other descriptions of property. One word with respect to the question of game. Man was not meant to live by bread, beef, and mutton alone, and yet this Game Question was treated as if such were the case. It was desirable to have other descriptions of food. They had evidence be-

fore the Committee that the amount of good food in the shape of hares and rabbits amounted in Great Britain to 40,000 tons, worth £4,000,000. This was exclusive of partridges and pheasants. He well remembered the remark of Mr. Dalglish, a former Member for Glasgow, concerning the Motion of the hon. Member for Leicester, for doing away with the Game Laws—namely, that he, for one, was not prepared to give up hare soup; and a miner that came up about that time on a burning question expressed a strong desire that rabbits should still be available as an article of food amongst that class of people, as the miners were, as he expressed it, very fond of rabbit pie.

MR. LABOUCHERE asked permission to withdraw his Amendment. ["No, no!"']

Question put.

The House divided:—Ayes 12; Noes 169: Majority 157.—(Div. List, No. 104.)

MR. HICKS, in rising to move—

"That it be an Instruction to the Committee, that they have power to make provisions to restrict the buying and selling of eggs of game," said, that the ground over which he had to travel had been, to some extent, covered in the speech of the hon. Member for Northampton (Mr. Labouchere). The object of the hon. Member for Northampton, however, seemed to be to injure the landlords in a way not calculated to benefit the tenants; while his own desire was to benefit the tenants, and to injure only those landlords who took advantage of the law to do that which the large majority of the people of the country condemned—namely, to encourage the over-preservation of game. Allusion had been made, more than once, to the Committee of 1873, and he should have thought that their Report was deserving of great consideration. The Report was very full; it pointed out the evils that required correction, and how they were to be remedied; yet the right hon. Gentleman had hardly been five weeks in Office before he brought in this Bill, which completely ignored all the Committee's recommendations, and absolutely proposed that which the Committee declared was impracticable. He had for a long time been opposed to the over-preservation of game; and he would

willingly do what he could to correct what he believed to be a great evil. In common with many hon. Members around him, he was ready to give a most cordial support to any broad measure framed in accordance with the recommendations of the Committee. But though he was prepared to support a measure of that character, and to give all the protection he could to the occupiers of the soil against the unfair destruction of their crops, he could not accept the hasty legislation of the right hon. Gentleman. The Bill, he contended, must lead to great unpleasantness between landlord and tenant. It introduced a new principle which, sooner or later, would cause great injury to this country, and its acceptance would be regretted by them or their children. The Report of the Committee, and the Amendments which were on the Notice Paper, showed that there were other ways than that which was proposed in the Bill of dealing with the evils which existed. It had been admitted, by the majority of the speakers on this subject, that the evils resulting from over-preservation were confined to very few estates, the greater part of which were let to third parties. This practice of letting to third parties was comparatively new—in fact, was almost unknown 50 years ago—and with its extension had grown up the practice of over-preservation. Gentlemen gave large sums for the right of shooting—sums far in excess of what they could reasonably expect to get out of the game, and so they endeavoured to recoup themselves by increased production; and this desire to increase production led to the supporting of hares and rabbits at the commencement of the lessee's occupancy, and to the turning down of a large quantity of winged game. Of these practices the tenants might justly complain, for they led to many evils—such as injury to the crops of the tenants, and the formation of organized bands of poachers. It was for the purpose of stopping these evils that he had placed two clauses upon the Paper. The first of these he was told was strictly within the limits of the Bill, but the second was not; and, therefore, he desired to move this Instruction. One witness, John Jones, who was examined before the Committee, said that the eggs of game were taken, to a very great extent,

*Mr. Hicks*

on the hills of Dumfriesshire, particularly those of black game and grouse, and they were sent to England. Another witness, Mr. Arch, said that there was no uncommon thing for people to be found stealing eggs—men, women, children—and it was the practice of gamekeepers to buy eggs wherever they could get them. Another witness, living in the East of England, said that a gentleman gave an order for a number of eggs at a price they would generally be obtained for him. Thus there existed stealing and incitement to steal, that would be one of the results of the present legislation. The evidence showed the existence of a very great evil, and it was that evil he wished to remedy. He did not intend, like the hon. Member opposite, to run away from his Motion. ["Hear, hear!"] Having received encouragement from hon. Members below the Gangway on the other side, and feeling sure of support on his own side, he begged to move the Instruction which stood in his name.

Motion made, and Question proposed.

"That it be an Instruction to the Committee that they have power to make provisions to restrict the buying and selling of eggs of game."  
—(*Mr. Hicks*.)

SIR WILLIAM HARCOURT said that the speech they had just listened to was a fair specimen of the opposition to which the Bill was met. The hon. Member was a great champion of freedom of contract. He saw in this Bill invasion of the freedom of contract which would strike at the root of society; and yet cheered by the hon. Members opposite, he moved an Instruction against buying and selling. He would read a clause to which the Instruction referred and ask the House to consider whether there ever was such a waste of the time of a deliberative Assembly as the making of these proposals involved. The clause was—

"After the passing of this Act it shall be lawful for anyone to sell eggs of game except the keeper of a registered mew or breeding place.

"The keeper of a mew or breeding place intending to sell eggs shall register the premises with clerk of the peace for county borough; he shall keep a register of the number of eggs laid each day, and the name and address of every person to whom he or she shall sell eggs, and the number of eggs so sold in each

use with date of sale, and he shall not buy or receive eggs of game from any other person.

"Any person acting in contravention of this section shall incur a fine not exceeding twenty pounds and costs for each offence."

"After the passing of this Act it shall not be lawful to buy eggs of game, except of the keeper of a registered mew or breeding place, and anyone acting in contravention of this section shall incur a fine not exceeding twenty pounds and costs for first offence, and not exceeding fifty pounds and costs for a second offence."

Was there ever such a deliberate waste of the time of the House of Commons as the moving of such an Instruction for the purpose of introducing such a clause? The sole object and intention of this sort of thing was to waste time.

MR. CHAPLIN rose to Order, and asked whether it was competent to the right hon. and learned Gentleman to impute motives to other Members. The right hon. and learned Gentleman said the sole object of this Amendment was to obstruct the Business of the House. Was he in Order?

MR. SPEAKER: So far as I followed the right hon. and learned Gentleman, no expression fell from him which was not of a Parliamentary character.

SIR WILLIAM HARCOURT wished the hon. Member opposite would cultivate a more accurate memory, and not attribute to him language bearing no resemblance to that he used. He now said that to move an Instruction of this kind for the purpose of introducing such a clause was nothing but a means of postponing their arrival at a practical decision on the Bill, which it was inconvenient to oppose, but very convenient to delay. This was an accurate statement of the nature of the Instruction and of the clause; and he should be curious to see on the promised division how the champions of freedom of contract would vote on a proposal to restrict buying and selling.

MR. SCLATER-BOOTH said, that if the right hon. and learned Gentleman conducted the Committee on the Bill in the same tone and temper in which he had alluded to the moderate speech of his hon. Friend the Member for Cambridgeshire (Mr. Hicks), it would, indeed, be many days before they arrived at a conclusion. He did not agree with the hon. Member's speech; but it was a moderate one, and occupied only about 15 minutes. He was himself anxious to enter upon a consideration of the Bill,

and he was prepared to go a long way in the direction in which it went; but who had prevented the House from proceeding with its consideration? Why, it was the Motion of one of the right hon. and learned Gentleman's own supporters, the hon. Member for Northampton (Mr. Labouchere). When that was so, why did the right hon. and learned Gentleman reserve his indignation at the delay for the hon. Member for Cambridgeshire, instead of for his own supporter, whose Motion had occupied the whole of the last evening? His only objection to the Bill was that it provided a remedy far in excess of the requirements of the evil with which they had to deal; and he did not think the Amendments of the right hon. and learned Gentleman removed that objection to the Bill. He would go a considerable way with those who urged that, in times when there was a competition for farms, tenant farmers had not the means of protecting themselves by contract against the mischief arising from the over-protection of game. The Bill, in its present shape, would throw the apple of discord between landlords and tenants. He had given Notice of an Amendment which, if it were adopted, would make the Bill much more acceptable than it was at present. That Amendment would give the occupier the right to destroy the game, and would leave him at liberty, if he chose, to agree with his landlord as to the means by which, and the times at which, the game should be killed. He did not, however, rise for the purpose of obstructing the progress of the measure, but rather of suggesting whether it was worth while to carry this debate further, and whether it would not be the interest of all parties to go at once into Committee.

MR. J. R. YORKE thought the sincerity with which the Amendment had been moved was perfectly transparent. The Instruction was also necessary, with special reference to a clause of which Notice had been given by his hon. Friend directed against the buying of game eggs from persons of uncertain character, which was one of the most reprehensible practices connected with game-preserving.

MR. CHAPLIN said, he was astonished at the ferocity with which the right hon. and learned Gentleman had turned on his hon. Friend for moving



an Instruction which was necessary to carry out his object. The Government appeared to be raising up new difficulties in the way of their own Bill. The right hon. and learned Gentleman was put up to make a conciliatory speech, and, as usually happened, he set the whole House by the ears. He had done more, by the few words he had uttered, to create fresh difficulties for the Bill than anything else that had been said in the whole discussion.

COLONEL MAKINS thought the Instruction which had been moved was a very fair matter for the consideration of the House, although he doubted whether this was the proper time for bringing it forward. At all events, there was really no occasion for the right hon. and learned Gentleman's indignation, and his talk about wasting the time of the House.

EARL PERCY doubted whether the right hon. and learned Gentleman had any clear notion of what was meant by freedom of contract when he complained of restriction being put on the buying and selling of game eggs stolen from neighbouring preserves. What he said was this—they were endeavouring to bring in a new principle which would protect parties buying and selling stolen property.

MR. WARTON wished to join his protest to that of other hon. Gentlemen against the tone of the Home Secretary's speech. He was anxious to find some excuse for that tone, and he could only do so by supposing that the souls of men at different times animated different persons. Herecognized in the right hon. and learned Gentleman Coriolanus *redivivus*. But the difference was this—the ancient Coriolanus had to put down agrarian agitation; while the modern Coriolanus reserved his wrath for the country gentlemen.

MR. HICKS asked the indulgence of the House, after the unexpected and undeserved attack made upon him, while he said a few words in reply. ["Order!"]

MR. SPEAKER pointed out that the hon. Member was not entitled to reply; but if he wished to make a personal explanation he might do so with the permission of the House.

MR. HICKS said, the object he had in rising was to show that he was not open to the charge made against him of having brought forward this Instruction

for the purpose of obstructing the Bill. He had had these clauses under consideration for some time. ["Order!"]

MR. SPEAKER said, that the hon. Member was going beyond the bounds of explanation.

MR. BIDDELL said, that it was unfrequent for 15 or 20 persons to go into the woods in search of eggs, and that the evil complained of was one which ought to be corrected.

SIR STAFFORD NORTHCOTE expressed his regret that he was not present to vote with his hon. Friend. At the same time, he must bear his testimony to the interest which his hon. Friend took in the matter. He had had conversations with his hon. Friend, and knew how strongly he felt on the point. This Bill was brought forward to protect the crops of occupying tenants; and his hon. Friend felt strongly that a great part of the mischief arose from the over-preserving of game, and that the chasing of eggs was part of the system of over-preserving. He was quite certain that his hon. Friend's desire was not to delay the Bill, but merely to put a recommendation which commended itself to his mind. He did not find fault with the Home Secretary for being anxious to avoid delay; but he had opened the matter in the way he had done the right hon. and learned Gentleman must be prepared for some opposition.

Question put, and *negatived*.

Motion made, and Question proposed:—"That Mr. Speaker do now leave the Chair."—(*Sir William Harcourt*.)

MR. CHAPLIN said, as he had no opportunity of speaking on the second reading of the Bill, he hoped the House would allow him to make a few observations on a measure which, undoubtedly, possessed considerable interest to himself and for those whom he represented. He frankly stated to the right hon. and learned Gentleman when he introduced this measure that, though he could not clearly gather from the opening statement what the precise effect and character of the Bill would be, so far as he himself was concerned, he should certainly offer no opposition to a measure which had for its object the protection of the crops from the ravages of ground game, provided

*Mr. Chaplin*

did not interfere with the legitimate rights, not only of the landlords, but of the tenants as well. To that declaration he entirely adhered. The Bill had been before the House for a considerable time; and now that he had had an opportunity of reading it carefully, and hearing all that could be said in its defence, he could not conceal his disappointment at finding that, so far from not interfering with the rights of the two parties concerned, it interfered with the rights of both in a manner which he had not anticipated. He was not one of those who was always alarmed at the idea of interference with freedom of contract. Freedom of contract had been interfered with before, and, when there was adequate cause, would be interfered with again. But this was more than interference with freedom of contract; it was a direct interference with the freedom of individuals. But there was another objection of still greater importance. The Bill of the right hon. and learned Gentleman recognized and embodied that ominous disturbing principle of which they had heard so much during the present Session—that it was perfectly legitimate upon the very flimsiest foundation, on the mere assertion that it was intended for the public good, to take away the property of one class and transfer it to another without the smallest compensation to the class from whom it was taken. In fact, this measure, like other measures of this Government, again adopted this principle of confiscation, which appeared to possess such irresistible attractions for members on the Front Bench. After the experience of this Session, he was not surprised at the nature of this Bill. He was never surprised now at any measure of the Government. The right hon. and learned Gentleman and his colleagues were Members of a Cabinet which might be called, *par excellence*, the Cabinet of Confiscation, a description by which it would be recognized by everyone, and by which it would go down to posterity. These were the principal grounds of his objection to this measure. He said that the Bill was a direct interference with the property of individuals; because he found, in Clause 2, that every occupier of land, no matter what his circumstances and position, whether owner himself or tenant, was absolutely precluded from vesting himself of the right to ground

game, and, therefore, from letting the shooting. Was anybody likely to take the shooting, or give a rent worth having, even for the purpose of preserving the winged game alone, when another person had the right of shooting the ground game as long and as often as he pleased? The day this Bill was passed landlords would be deprived of the right of subletting the shooting. Thus a great injustice would be done, and private rights would be improperly interfered with. The argument was equally applicable to the case of the tenant farmer who had the right of shooting. He was glad to learn from the hon. Member for Bedfordshire (Mr. J. Howard) that at least one-third of the tenant farmers in England enjoyed the right of sporting already; but he must remind the hon. Gentleman that this fact was a strong argument against the necessity for this Bill. He could not agree with the proposition that, in order to give tenant farmers the right of sporting, the House was justified in dealing so gravely as it was asked to do with freedom of contract. If the object of the measure were not to give to tenant farmers the right of sporting, what was it? Could the hon. Member for Bedfordshire cite 50 well-authenticated cases throughout the whole country where farmers were suffering from the ravages of game and were unable to get compensation from their landlords? Mr. Clare Sewell Read, whose utterances had been often quoted in this debate, said, in the last Session of the last Parliament—

“He had very great pleasure in testifying to the decreased quantity of ground game in the Eastern Counties at the present time. In fact, hares and rabbits were done away with on many estates. When the hon. Member for Leicester said this was a year of exceptional severity in the agricultural districts, he (Mr. Clare Read) would also observe that the year was also an exceptional one as regarded the small quantity of game in those counties; and, therefore, he did not think game could be said to have anything to do with deficiency in the crops.”—[3 *Hansard*, ccli. 197.]

Could anyone adduce, on the contrary side, evidence deserving of more weight than this statement made by Mr. Read? He denied that the farmers were unanimous on this point. He had received a copy of the following resolution passed at a meeting of the Lincolnshire Chamber of Agriculture, held at Lincoln on the 25th of June:—

"While fully admitting that in some cases much damage has been caused by ground game, this meeting is of opinion that the effect of the Hares and Rabbits Bill, if passed, would only be to cause ill-feeling between landlord and tenant, and that it would be a very unnecessary interference with freedom of contract."

Another communication had been placed in his hands this evening. It was a resolution passed by the Newbury Chamber of Agriculture, and was in the following terms :—

"That, although it is simply common justice that the occupier of land should have control over the animals that destroy his crops, yet, as it is in the power of a tenant to take care of himself on entering a farm, legislative interference with freedom of contract is objectionable and unnecessary."

He believed he was justified in saying that whatever might be the opinion of the farmers in some parts of the country, they were by no means unanimous in their support and approval of the Bill. If the Bill was operative, it would strike at the preservation of all game whatever. Every farmer was to be allowed to employ his own men and own agent for the destruction of game. How many persons did that represent on, say, an estate of 50 farms? How many persons would be entitled to traverse such an estate day and night at all hours? The preservation of game, under such circumstances, would be an impossibility. If, on the other hand, the Bill was not operative, it would be a sham, and such, he believed, it would be in precisely those cases where its operation was most to be desired. People who did not mind expense would keep the game in their own hands, and it was in those cases chiefly that over-preservation occurred. But in the country generally the Bill, he believed, would tend to destroy game preservation altogether. He offered these observations as the expression of his conviction with regard to the Bill, and not from any desire to obstruct the Business of the Government. If the right hon. and learned Gentleman consented to insert Amendments to remove the objections he had complained of, or if he confined his measure to taking rabbits out of the Game Laws—not hares, for it was rabbits that did the damage—he would give him his hearty support. Otherwise, he must reserve to himself the right to take such action in regard to the Bill as he thought fit.

MR. JOHN BRIGHT: Sir, it was not my intention to have offered any ob-

servations to the House upon this but for the course which has been sued by the hon. Gentleman who just addressed us. He has described the present Government as a Confiscation Cabinet—[Mr. CHAPLIN Cabinet of Confiscation.] The Gentleman is fond of alliteration without dwelling much upon the accuracy of the terms which he uses; but it is a curious thing that he has only just found this out. ["No, no!"] Well, then, it is a still more curious thing that the hon. Gentlemen opposite do not think it necessary to oppose the Bill on the second reading.

MR. CHAPLIN: I wish, if the right hon. Gentleman will allow me, to point out an apparent inconsistency on your part. I was absent from Parliament. If I had not been I should have opposed the Bill.

MR. JOHN BRIGHT: Absent or not, I will not inquire for a moment with the hon. Gentleman was spending time that he ought to have devoted to the service of his country and his constituents in opposing the second reading of a Bill which, as he represents, contains so mischievous a principle as that of confiscation. I do not understand the hon. Gentleman's ideas of confiscation; because I have been told by lawyers, and I believe it to be true, that according to the Common Law of this country the wild game of the game—not ground game—but all the game—is the property of the tenant, and it remains his property. He has the right to kill it in any manner that he chooses, unless he consents to let the game for the period of his occupation shall be in the hands of the landlord. Well, but if that be so, it cannot be considered a very dangerous kind of confiscation if Parliament, in giving a view for, and regard to, the public interest, should endeavour to give to the tenant only one-half of that of which the whole is given to him by the Common Law of the land. Now, is there any danger, whatever, judging only from the speech of hon. Gentlemen opposite, that the time has come when it is necessary to make some considerable change, I will say in the Game Laws, for this Bill does not in any way alter the Game Laws, such considerable change that the farmer shall, if possible, be saved from damage and the ruin to which so many of them have been exposed by the

*Mr. Chaplin*

ervation of game by the owners of their farms? I should like to ask the House whether it is necessary or not. Why, hon. Gentlemen opposite—I will not quote the speeches or point out the particular Members—but there is hardly one of them who has spoken on the subject who has not admitted that in some cases, or in many cases, very great damage is sustained, and that the farmers have a right to expect some attention to their interests with regard to the question of their suffering from game. That is to be gathered from all our speeches, and it is admitted, I believe, almost unanimously—not quite—on this side of the House. Now, if I have the opinions of hon. Gentlemen opposite and go outside, notwithstanding two resolutions from Chambers of Agriculture which the hon. Gentleman has just read, is there any Member of the House who can deny that the great majority of Chambers of Agriculture have expressed opinions strongly in favour of this Bill? Passing from Chambers of Agriculture—in which we now in many cases one-half, and sometimes the majority, of the members present have been rather landowners than farmers—if we pass from Chambers of Agriculture to the farmers themselves—go to the Farmers' ordinaries anywhere, meet them in their markets, ask their opinions, you would find, almost without exception, that the farmers of this country are in favour of this Bill. "No, no!" If it be as you say, why, I should like to know, have you allowed this Bill to be read a second time without a division? You know, as well as I know, that what I am saying is absolutely true; and, if that be so, if hon. Members on the other side of the House, willing to delay, but not daring to strike—willing to talk out this Bill, willing to irritate, and annoy, and obstruct, but afraid to vote—there is no doubt whatever that if any Member on that side of the House were to propose an Amendment which would strike at the root and the life of, and destroy this Bill, the great majority of those whom I see before me would object to it, and would beg that they might not be placed in the difficult position of going to a division. That is a proof that you know perfectly well that your constituents are in favour of the Bill. What took place at the last election? I heard it stated, and I

know it to be true, that a Member of the late Government gave as one of the reasons for a Dissolution in the early spring of this year that they thought that the counties were slipping away from them. The counties were tired of your six years' neglect. The right hon. Gentleman opposite (Sir Stafford Northcote) says the farmers think that this Government is paying them some attention, and that they like it. Yes; we propose to pay them more than an attention. We are not about to proclaim ourselves, by your frothy phrases, "the friends of the farmers;" but to show that, as we have been the friends of just legislation to all other classes, they shall, at least, have as much justice as we can prevail upon Parliament to give them. The hon. Member who spoke last said there was no occasion now to deal with this question, because of the changed condition of things as between landlord and tenant. He said that one-third of the farmers now have the game in their own hands. [Mr. CHAPLIN: I did not say that.] The hon. Gentleman did not say it in so many words, but he accepted the argument. He said that if there is another bad year—assuming this to be a bad one—half the farmers would have the game in their own hands, and if there was a third bad year the whole of the farmers would have it. If that be so, it will, no doubt, ruin the country. Sporting individuals will come to utter ruin, and the ruin will be infinitely greater than anything contemplated by the passing of this Bill. But, surely, if there be any force in the hon. Member's argument that one-third of the farmers now have the game, that a bad season this year will give it to half the farmers, and that another bad year or two will give it to all the farmers—if the farmers were in this condition, is it possible that the farmers' friends have no sympathy for their constituents? What can be more exciting to sympathy than the suffering of the farming population during the last two years? The farmer rises early, and works during the day. He eats the bread of carefulness, and there is hardly anything certain in his condition but the rent day. He is subject to many trials and difficulties from which other traders, to a large extent, are exempt. The trader, by his carelessness, may make a bad debt, and by injudicious confidence may make a bad

bargain, and he may diminish his substance and his wealth; but the farmer may do everything that man can do, that industry and intelligence can do upon his farm—he may plough, and he may sow, and he may clean the land—and yet there may come a season which blights his crops and blights his hopes. If there be a man engaged in industry of any kind who has a fair demand upon this House for its just and generous consideration, I say it is the farmer. [*Cheers.*] Well, if that be so, would it not be better for hon. Gentlemen opposite, instead of bringing forward trifling Amendments that have no reference to the Bill—[“No, no!”]—well, the hon. Gentleman opposite, I presume, is aware of the fact that eggs are not the production of ground game—and yet, in a Bill that refers only to ground game, he offers a long Amendment on the question of eggs; and hon. Gentlemen opposite were rather annoyed because my right hon. and learned Friend the Home Secretary felt in some degree indignant that the time of the House should be taken up in discussing a matter that had nothing to do with the Bill, and in suggesting an Amendment which, whether in its mode of dealing with the subject, its object, or its grammar, is one of the most remarkable propositions ever submitted to the House. Some hon. Gentlemen wished him to withdraw the proposition. They wished something done about eggs, but did not know whether this was the best way of doing it. This showed, however, that hon. Gentlemen opposite regard this question of eggs as another of the enormous evils which are connected with this system of game preserving, and with the barbarous Code by which game preserving in this country is rendered possible. The Home Secretary has not introduced this Bill to deal generally with the question of Game Laws. My hon. Friend the Member for Leicester (Mr. P. A. Taylor) had a good right to complain, from his point of view, of the mode of dealing with this subject. I have an equal right, because, 30 years ago, I endeavoured to persuade the House of Commons to modify or abolish that barbarous Code. But the object of this Bill is not to deal with the Game Laws at all. This Bill is brought in by the Government solely for this one object of affording relief to the most ancient, the most neces-

sary, and not the least honourable of the great industries of this country. And, dealing with that question alone, after listening to, perhaps, 20 speeches from that side of the House, I have heard no proposition which offers, even in a moderate degree, to meet the demands and the necessities of the farmer. I think I understood the hon. Member for Mid Lincolnshire to complain especially of one point, that a landlord was not at liberty to sell game over the heads of his tenants—

MR. CHAPLIN: The right hon. Gentleman has misunderstood my remark. I spoke of two cases—the case of an owner who was also the occupier of his land; and the second, the case of a tenant who is the lessee of the shooting as well as the farm, and who is prevented from sub-letting the shooting.

MR. JOHN BRIGHT: Perhaps I somewhat misunderstood the hon. Gentleman in regard to that point; but it really does not make much difference to the argument, because I am afraid each of the cases would come under his condemnation of confiscation. I wish to ask hon. Gentlemen opposite whether it would not be more creditable to themselves, and more creditable to the House, if they would discuss this question fairly, and, if they are able, outvote the friends of the measure, and not go on day after day with discussions of this nature, in which they are afraid to strike at the life of the measure but are constantly employed in finding little faults here and there without suggesting anything that is equal to it, or anything that is better? May I warn you that at this moment, in the present condition of agriculture, and in the present state of suffering of the tenant farmers throughout the country, that the eyes of these farmers are upon this House? They hear or read speeches which are made on this question. And may it not happen that in slipping away of the counties, which three or four months ago was apprehended by the late Government, may be followed by a slipping away, or a running away, of nearly all the county constituencies of the United Kingdom? [“oh!”] I am only telling hon. Gentlemen opposite what I believe to be true. This Bill, although it does not in any way meet my view on the great Game Law Question, is brought in with the most honest object, to relieve I know not

*Mr. John Bright*

number of farmers in this country, but a vast multitude of them who are suffering and who complain. And whatever may be the opposition to the Bill, sustained by the majority of this House, and sustained by a multitudinous majority outside this House, I cannot doubt that before this Session comes to a close this Bill will be an Act of Parliament, and will be a message of justice and good to the ancient and honourable industry which hon. Gentlemen profess to represent, but whose interests I am sorry to say, in my opinion, they have long and grossly neglected.

SIR STAFFORD NORTHCOTE: Sir, I do not know whether the speech to which we have just listened was one intended to help on the passing of this Bill, or whether it was conceived and spoken in an entirely different spirit. I have hardly heard a speech in the course of this debate, not even excepting that of the right hon. Gentleman the Home Secretary, to which frequent reference has been made, which was less calculated to promote that end. After listening to the last speech, I begin to entertain serious doubts as to what the real object and meaning of the Government are in promoting this Bill. They tell us in the Preamble that it is a measure to promote the interests of good husbandry, to give better security to capital, and to protect occupiers from injury and loss by ground game. These are objects which we, on this side, claim to be as ready to promote as hon. Members opposite, and it was on that ground we assented to the second reading without a division; and I spoke for only five minutes, because the hour was approaching at which the debate must have stood adjourned. But, at the same time, I stated that, in assenting to the second reading, I did so on the ground that we agreed with the statements made in the Preamble of the Bill, and we were willing to enter into Committee for the purpose of seeing how the objects stated could be best attained, and with the least sacrifice of what might be valuable in principle as to freedom of contract or other matters. We do not deserve any of the criticism which has been passed upon us by the right hon. Gentleman for the course we have pursued. We allowed the Bill to be read a second time, nor do we object to your leaving the Chair; but, at the same time,

we reserve to ourselves the right which we intend to exercise, of proposing Amendments in Committee, and endeavouring to attain the professed and avowed object of the Bill. I think it not at all unfair to conclude, from the observations of the right hon. Gentleman, that the real object which the Government have in promoting the Bill is not to protect the crops of farmers, but to obtain for themselves the credit of being the farmers' friends. I quite understand that. Proverbially, there is no limit to the enthusiasm of converts; and remembering that in the last Parliament we did not receive any very enthusiastic support from those right hon. Gentlemen when we endeavoured—successfully, I am happy to say—to relieve the landed interest and the farming interest from considerable burdens; remembering that we did not receive from them very enthusiastic support when we endeavoured to prevent the introduction of cattle disease into England; remembering generally their conduct upon those questions and upon matters of an analogous character, I am not surprised that now they are anxious to take up the motto of my noble Friend Lord Salisbury, and to say, "*Sero sed serio.*" What we have heard to-night has been of a rather curious character. We are told that this Bill was introduced for the sake of protecting crops; but when a suggestion has been made, though it has not yet come from us, but has been suggested by the right hon. Gentleman—when a suggestion has been made that, perhaps, it might be thought proper to limit the use of the gun, for instance, the right hon. Gentleman says—"But that will never do; because it would be in the nature of selfishness to endeavour to deprive the tenant farmer of the right of using a gun." In point of fact, the whole of that part of the right hon. Gentleman's argument went to this—that the Bill was intended not merely for the protection of crops, but for establishing a sporting right on the part of farmers. I have nothing personally to say against the sporting rights of occupiers of land. I am glad myself, and I know persons who are glad, to make arrangements by which a tenant shall have sporting rights; and I believe those sporting rights can be given to a tenant in a manner which shall be conducive to the interests of all parties. But I say, in the first place,

fore the Committee. He felt that it would be unfair to the hon. Gentleman if he had urged the matter forward, when the matter was already in hands so much better than his own. But he did think that, after the remarks which had fallen from the hon. Member, he was entitled to propose the change; and, further, so far as he was at present advised, it was his intention to take the sense of the Committee upon it. As he proposed to do that, perhaps the Committee would forgive him if he addressed himself to them on that subject. He did so with less hesitation, because the right hon. and learned Gentleman the Home Secretary had stated to the House recently that he (Sir John Hay) had placed on the Paper a great number of Amendments, 10 out of 13 being merely consequential Amendments. As to the proposition which he was about to recommend to the Committee, he would say that he would not detain them any length of time—

THE CHAIRMAN: Order! The Committee having accepted the Amendment of the hon. Member for Cockermouth, the portion of the clause sought to be amended by the right hon. and gallant Gentleman (Sir John Hay) has been struck out. The right hon. and gallant Gentleman will have an opportunity of moving his Amendment further on.

SIR JOHN HAY said, he should be glad to adopt that course.

SIR WALTER B. BARTTELOT said, that after the Amendments which had been placed upon the Paper by the right hon. and learned Gentleman the Home Secretary, it would not be necessary for him to move his Amendment.

LORD ELCHO said, that the Amendment he had to move had for its object two things—the preservation of the freedom of contract, and the making the Bill a practical one. A further object that he had in view in moving the Amendment was in order to import into that Bill the main recommendation of the Committee which had sat for two years upstairs—namely, in 1872-3. He would read the recommendation of that Committee to them, in order that they might the more readily understand the Amendment which he proposed to move. The first was, that the protection given to rabbits by the Game Laws should be withdrawn, except in warrens and in similar enclosed places. He had an

Amendment to that effect. Secondly, saving the rights under existing law, the law of Scotland was to be assimilated to that of England as regarded the game. The difference between the law of England and Scotland was that in England the game vested in the occupier, while in Scotland it belonged to the landlord, with the exception of rabbits, which were vested in the occupier. Thirdly, in the absence of agreement, the right of action was to belong to the tenant, and so also was to be in all cases for compensation for damage done by game. Such cases were to be referred to the County Court in England, and the Sheriffs in Scotland. Lastly, that the occupier of a game reserve should be made liable to the owners or occupiers of adjacent farms for damage done by ground game. All the provisions would be imported into the Bill, in case the Amendments he placed upon the Paper were agreed to. The clause, as it stood, said—

"That the right should be given to the tenant, and should be inseparable from occupation of the land."

As he proposed to amend it, it was read—

"That every occupier should have the right to take the ground game, except where otherwise expressly provided by reservation,"

That was, that he should have the right incident of the tenancy. He proposed to strike out "and inseparable from the tenancy." Subsequently, it might be desirable for him to explain what would be found on page 16 of the Amendments—namely, the words which would have the effect of giving compensation to the tenant where the landlord, by reservation or agreement, caused damage to the tenant's occupation of the land. That also, he had already pointed out, was one of the recommendations of the Game Committee. He begged to move the Amendment, and he might say that he intended to take a division upon the Amendment in order to test the question which had thereby raised.

Amendment proposed,

In page 1, line 11, after the word "have" insert the words "except where otherwise expressly provided by reservation, lease, contract of tenancy, or other contract."—(Lord Elcho.)

Question proposed, "That those words be there inserted."

*Sir John Hay*



SIR WILLIAM HARCOURT said, that the Amendment evidently raised the whole question of that Bill, and it would, he thought, be very proper to take a decisive vote upon the question; because, if carried, it would leave them exactly where they were then. [Lord ELCHO: Not as regards Scotland.] He would deal with Scotland presently. No doubt, it would affect the law of Scotland; but that of England would remain as it was then. By the law of England, the tenant would have the right, as an incident of the occupation, to take and kill game; but, of course, the landlord might contract out of that, and, as a general rule, landlords had so contracted. The words proposed to be introduced were entirely inconsistent with Clause 3 of the Bill. That clause was inserted in order to prevent the landlord from contracting a tenant out of the right to take the game, which was the vital principle of the Bill, so that to carry the Amendment would have the effect of leaving the law as it was. It would, of course, be fatal to the Bill, which would become so much waste paper, and merely declaratory of the existing law. The only change would be as regarded Scotland. It was idle to waste any time arguing the question. The Bill would, if the Amendment were carried, do nothing for the tenant at all. The noble Lord had, no doubt, raised a question in which he took a deep interest. It would be well to take a division, in order to see whether it was the desire of those present that the Bill should go on or not.

SIR MICHAEL HICKS-BEACH said, with all deference to the right hon. and learned Gentleman the Home Secretary, he thought the Amendment of the noble Lord would not, if carried, leave the law as it then stood, and therefore he was obliged to say that he was quite unable to support it. The law then was that the game should be the property of the tenant, except where there was a reservation on the part of the landlord. But the noble Lord asked them to limit the law as against the tenant, which would then lay down that every occupier should have, as an incident to the occupation, the right to wire and take ground game thereon, "except when provided by reservation," &c. Therefore, that implied that, in the absence of a reservation, ground game only, and not

winged game, would be the property of the tenant. That was what he understood by the Amendment of the noble Lord, and he could hardly fancy that the noble Lord himself desired such a result.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he thought the right hon. Baronet had read the clause wrongly. They were dealing with ground game only, and the Bill did not touch winged game at all. The wording, "except where provided by reservation, lease," &c., did not affect winged game. The right hon. Gentleman said the law would be altered by the Amendment; but he could not agree with him there. There could be no doubt, however, that that Amendment raised the whole question; and, if carried, it would have the effect of making the present Bill merely declare the law at present in existence.

MR. BRAND said, he hoped the noble Lord would not press his Amendment to a division. He knew that he (Mr. Brand) took exactly the same view of the case on the second reading—namely, that the Bill affected freedom of contract. That was really a matter that ought to be discussed on the second reading of the Bill. He believed the best thing, then, when the House had affirmed the principle of the Bill, and they had reached the Committee stage, was that they should deal practically with the measure, and endeavour, as far as possible, to limit the operation of it, without affecting the principle. That clause was a complete limitation of the principle.

LORD ELCHO said, he must explain that his first proposal must be read in connection with the clause which he proposed to add later on, where he intended to import into the Bill, and by that means into the law of England, what they had in Scotland, under an Act passed by his hon. Friend the Member for Linlithgowshire (Mr. M'Lagan)—namely, a system of compensation. It was better to secure the tenant against injury done by game in that way, than by such a Bill as the present, which his hon. and learned Friend the Member for Carnarvon (Mr. Watkin Williams) had characterized as one that could easily be driven through in any direction. The Act of his hon. Friend the Member for Linlithgowshire could not be spoken of in the same way; and, therefore, he should



ask the Committee to divide, in order to have the question tested. He contended that his hon. Friend opposite ought to vote with him, inasmuch as his present proposal was identical with that of his hon. Friend (Mr. Brand) on the second reading, and which he had pointed out would make the Bill a practical one to the farmer. The right hon. and learned Gentleman the Home Secretary had stated that—

“They had heard a great deal about that question of compensation, and that the more he heard of it the less he believed in it, and he thought it was valueless.”

His hon. Friend the Member for Lincathgowshire (Mr. M'Lagan) referred, on Thursday last, to a Mr. Murray, who was the agent for proprietors whose rental amounted to something like £200,000 a year. He (Lord Elcho) had asked him about the working of Mr. M'Lagan's Compensation Act scheme in Scotland, and that Gentleman had replied, in a letter which he received that morning, and from which, with the permission of the Committee, he would then read an extract. He said—

“There had not been time to test the working of Mr. M'Lagan's Act; and, although most leases entered into since it was passed were drafted in the terms of its provisions, he was not aware, personally, that any case had arisen which had become the subject of a judicial decision. People were, of late years, strongly opposed to the over-preservation of game, which was unjust to the tenant; but few cases, indeed, came into Court, as, when damage was done, the landlord made full compensation. At present, the tenant trusted to the good feeling of the landlord, instead of claiming compensation. If that Bill passed, it would raise an antagonism between landlord and tenant; the tenants would stand upon their legal rights, and in consequence, he believed, be in much worse a position than at present. The effect of that Bill would, undoubtedly, be to restrict the freedom of contract; whereas a system of compensation being provided, the landlord and tenant could settle any dispute between themselves.”

MR. JAMES HOWARD said, the noble Lord had grounded his proposals on the recommendations of a certain Committee. He would remind the noble Lord that many things had happened since the time when that Committee sat. The farmers and the country had had the further experience of the principle of freedom of contract in the case of the Agricultural Holdings Act, so that both were already aware of the worthlessness of the system the proposal sought to carry out. The proposition of the noble

*Lord Elcho*

Lord struck at the very root of the and if it were accepted, the whole would become a sham, the same as the Agricultural Holdings Act had become. Of course, the Government would be unable to accept it.

MR. SCLATER-BOOTH said, he did not know whether the noble Lord meant to go to a division; but, if he did, he should be unable to vote with him. He was not prepared to say that the principle of compensation could not be imported into that Bill; but he would say that he did not believe that it would be a sufficient, or adequate, remedy for the existing mischief. The Bill was intended to meet that; and he himself intended to move hereafter an Amendment to move hereafter which, he believed, would deal with it effectually. He could not, however, support the proposal of the noble Lord.

MR. CHAPLIN said, that the noble Member for Bedfordshire (Mr. J. Hovell) had referred to the worthlessness of the Agricultural Holdings Act, and had said it was nothing but a sham. He would not allow that observation to pass without protest. It was perfectly true that the Government would acknowledge, that that Act was not had the effect that was desired as a consequence of the distressing circumstances of agriculture; and he had proposed an Amendment to it which he had also proposed. That it was utterly worthless he totally denied. It had been adopted in many parts of the country; and, therefore, to call it an utter sham, was a misrepresentation.

SIR EDWARD COLEBROOKE said, they had just had a desultory discussion about the question actually before them, was whether they should leave out certain words and insert others in a clause which would affect the whole Bill. Whatever the recommendations of the Committee might have been, there would be no doubt that the House had affirmed the second reading of that measure with that, its principle. They could therefore, to endeavour to adhere to the programme laid down by the Government. He had only one observation to make with regard to compensation. It was fully agreed that it had not been sufficiently long in existence to be able to judge of its effects. He must say, however, that he had grave misgivings whether it would produce a benefit, so that he would hardly be regarded as being in favour of that system. He wished to im-

on the Committee the necessity of adhering to the principle which had been acknowledged by the second reading of Bill.

MR. A. J. BALFOUR said, he had already spoken on that subject, and, therefore, he would not detain the Committee long. He had asked how it came out that the Radical Party had given their ancient faith in regard to freedom of contract? He had received no answer, however. He would not at this hour insist further on the matter; he would content himself with appealing to his noble Friend not to divide on the question, simply for this reason, that, if he did divide, his action would, undoubtedly, be interpreted as showing hostility of the noble Lord to any Bill. He knew that that was not the motive of the noble Lord. He was convinced that the noble Lord was not opposed to legislation on that subject. He was afraid that the action of the noble Lord would be misconstrued. If, however, he decided to go to a division, he would not back out of the principles in favour of which he had declared himself, and should, therefore, divide with him. LORD ELOHO said, he had thought it desirable that the question of freedom of contract and compensation should be decided. He should, therefore, proceed to divide the Committee on the subject.

MRS EDMUND LECHMERE said, he should not give a silent vote on that subject, and he should, therefore, crave the indulgence of the Committee whilst he said a few words. He had long felt that an injury was done to the farmer by the over-preservation of game. He should not vote for the principle of the Bill; but he was in favour of the proposal of the noble Lord, and for this reason—namely, that he believed those who promoted that Bill were acting unjustly in including in the same category those who had actually been over-preserving their game, and those who invariably met the wishes of the tenant and made reasonable offers to him. He knew that that distinction was made in the Bill introduced by his hon. Friend and Colleague the Member for West Worcestershire (Mr. Knight), and feeling that there were many others in favour of that same principle, he was inclined to support the proposal of the noble Lord. Those who knew anything of the subject were aware that liberal arrangements, as re-

garded ground game, were made by many owners who were game-preservers; and, surely, it was hard that such persons should be placed in the same category as those who did not show the same amount of consideration. He believed that the effect of the Bill would be to alter considerably the relative positions of landlord and tenant; and, therefore, the Committee ought to be careful how they adopted its principles. He believed there was nothing to show that the system proposed by the noble Lord had not been successful in Scotland, and, therefore, he was in favour of its adoption in England. He believed it would give satisfaction to the tenant farmers, and have the effect of making that Bill a real and practical measure.

Question put.

The Committee *divided*:—Ayes 74; Noes 212: Majority 138.—(Div. List, No. 105.)

SIR WALTER B. BARTELOT begged to move to report Progress. He did not think that his right hon. and learned Friend the Home Secretary could possibly object to that. They had made fair progress with that Bill, Mr. Speaker had left the Chair, and they were then well into Committee. They had been sitting there almost continuously since 2 o'clock that day. It was then nearly half-past 1 in the morning, and they had to meet at 12 that day. Human nature would not stand more than a certain amount. He was generally in his place, and he did think that the right hon. and learned Gentleman, after the long Sitting they had had, could not possibly object to Progress being then reported.

Motion made, and Question proposed, "That the Chairman do now report Progress, and ask leave to sit again."—(Sir Walter B. Bartelot.)

SIR WILLIAM HARCOURT said, he had no wish to press the Committee unduly. If hon. Members would look at the Paper, he thought they would see that, practically speaking, there was no Amendment of any consequence to be moved upon Clause 1, until they came to the Proviso. He hoped hon. Members would accept that limitation, and report Progress then. He thought that all the Amendments, practically down to line 16, would disappear. If hon. Gentle-

that that is a matter which may be extremely well arranged by private contract, and that in that case good feeling is promoted, and that it is a wholly different thing to give the right by Act of Parliament of over-riding contracts which may be made between parties. And I say, when I hear an argument of that sort put forward, when I hear the Bill supported in such language as that of the right hon. Gentleman who has just sat down, I cannot help thinking that the object of the Government is much less to pass the Bill—though I have no doubt they wish the Bill may pass—than it is to obtain the credit of being great friends of the farmers. And if, in addition to that, they could by any means put us, on this side of the House, in the position of being opposed to the farmers, that would be the *comble* of their wishes. I certainly think that the tenour of the observations just now of the Chancellor of the Duchy of Lancaster were far more in the direction of endeavouring to gain credit to himself and his Friends, and to throw odium upon this side of the House, than of promoting the passing of the Bill. He will find very ample compensation for any misfortune that may happen to the Bill in the odium he might throw upon us. I hope, myself, that we shall not allow ourselves to fall into the trap. In vain is the net spread in the sight of any bird. Now, the Bill itself is a Bill which professes to aim at objects which, as I believe, can be attained without taking all the objectionable parts of the Bill. I see many Amendments on the Paper. I do not wish now to enter into them in detail. I see several Amendments which I think may fairly be brought forward and may be discussed, and which I believe would put the Bill upon a far better and sounder principle. I do not stand upon the question of freedom of contract with any superstitious feeling; but I hold this—that freedom of contract between two parties who are of full age, who have full means of knowing what they are about and who are competent to make a bargain one with the other, ought not to be restrained unless some injury is likely to be done to third parties. When an injury is likely to be done to a third party, undoubtedly you can restrain the action of a single man just as you might restrain the act of two parties who enter into a contract. But that is

not the question which is raised. You are told that a tenant has not means of protecting himself against his landlord. You are told a tenant is a child, is so utterly wanting in independence that he is not able to judge for himself and not able to decide for himself, what are the terms upon which he should undertake to cultivate land. Well, now, I would only say this—tenant is a man who is unable to make a bargain for himself, and unable to protect himself because he is wanting in courage and independence, he does not make very much use of the clause of this Bill. Any tenant who knows what he is about, who understands what he is undertaking, will be able to make a proper bargain with his landlord. But I must again point out that there is all the difference in the world between a bargain thus made between two parties who know what they are about, and who make a bargain so as to suit themselves, and the circumstances of the country in which they are, and the farm which is in question, and an arrangement that is forced on them by an Act of Parliament which certainly will not suit every case. A suggestion has been thrown out today by the hon. Member for Northampton (Mr. Labouchere) which I think goes very much to the root of these questions. The hon. Member for Northampton told us that we must remember that a landowner is not the sole owner of the land, and that we must consider the rights of the community and of the occupier as well as those of the landowner. Of course, the public have a right to protect the public interests in relation to every kind of property in the country so as to prevent its being used against the public interests; but the objections which were made go far beyond that, and point to the dangers which shall have to undergo if the State, as represented by Parliament, is to take into its own hands the management and direction of all the landed property in the country, and is to reduce the landowners, as it seems to be desired to do to the position of what are called occupiers. All this legislation is legislation tending very much to put the owner of the land into the position of a caretaker on behalf of the public. I feel that it is not desirable to prolong these discussions; and I have throughout been

*Sir Stafford Northcote*

anxious to avoid anything in the nature of a waste of time. I should not have said a word now but for the remarkable speech of the Chancellor of the Duchy of Lancaster. I hope we shall be allowed to go into Committee and to consider the numerous Amendments on the Paper. But I protest altogether against the attempt to throw upon hon. Gentlemen on this side of the House the odium of defeating a measure which we think comprises much that is bad, but yet contains a principle which it may be possible to put into an unobjectionable shape. I deny that the Government have any right to claim the monopoly they are now desirous of obtaining—of the character of farmers' friends—and I venture to say they will find, if they proceed in the way they are doing, that the farmers will not be very long in finding them out.

MR. WATKIN WILLIAMS said, that the constituency he represented had taken the deepest possible interest in that subject—he did not say in that Bill; and he used the words advisedly. Most of them being Welsh people, who did not understand the English language, they looked to him for information as to what that Bill meant. Therefore, he felt uneasy about that Bill. As he read it, he feared it would lead to grievous disappointment. There were hundreds of cases in which the Bill would be inoperative; but even with the modifications of it which were proposed by the right hon. Gentleman the Home Secretary, he could not conscientiously tell his constituents anything but this—that it would be a mockery, a delusion, and a snare. In his opinion, there was only one way to settle the grievances of the farmers on the subject, and that was to give to every occupier of land the right to deal with everything upon it, whether they were hares, or rabbits, or pheasants, or blackbirds, and to abolish the Game Laws. They need not be afraid for the cause of sport, for where people were fond of it, it would prevail. They were by this measure only trifling with the subject; and although he would vote for the Bill, he had great doubts and misgivings about it, and accepted it only as a small instalment of what would be carried in some future Session. He could not honestly say that he was content with it, or that he thought it a settlement of the question. It would not satisfy the

farmers, who claimed protection against the injury done by ground game. If they were really to meet the grievance of which the farmers of Carnarvonshire complained bitterly, there was only one remedy, and that was to give every occupier of land the absolute right to deal with every kind of winged or ground game upon it as he pleased, and to abolish the Game Laws.

LORD ELCHO observed, that what the hon. and learned Member who had just sat down wanted was, that game and everything on the farm should belong to the occupier. Well, that was the case now, and all that he said was that they should not by legislation do away with the occupier's right to keep what the law had given him, or to part with it to his landlord if he desired and it was to his interest to do so. With regard to the speech made that night by the Chancellor of the Duchy of Lancaster, he might remark that his memory carried him back to the days in which not only in that House, but at every meeting in the country, and particularly on the boards of Covent Garden Theatre, during the agitation conducted by the Anti-Corn Law League, that right hon. Gentleman, in the most eloquent terms, denounced class legislation. The right hon. Gentleman had inveighed against Parliament interfering and endeavouring by legislation to give special privileges to one class more than to another. Now, he asked whether every speech made on the Treasury Bench did not bear on it the stamp of class legislation? The legislation proposed by the Bill was legislation of the worst kind. It was an endeavour to legislate for one class, and that class not so much the tenant as the present occupants of the Treasury Bench. To such legislation he had always been opposed. From the eloquent denunciations which he heard in his youth from the right hon. Gentleman (Mr. John Bright) he was opposed to this Bill, and was in favour of freedom between man and man to make their bargains. What he rose to say now was, that it was with extreme satisfaction he had heard the speech of the Leader of the Opposition, because he had clearly explained to the House why it was there was no division upon the second reading of the Bill. He (Lord Elcho) had nothing to say which he had not said before his constituents within the last three months.

He had not three languages—one for them, one for private life, and one for that House. He had spoken to his constituents face to face about the concurrent right, and had asked them if they could be so green as to suppose it would be of any use to them, or that it was really in their interest that the Bill was brought forward. He had also told them that those who now sought to make use of them for their purposes, would, when it suited, cast them aside like a sucked orange. There was much more to be said on the subject of freedom of contract, in order to bring home the seriousness of the question to the Ministerial supporters, and he had been anxious to hear the view of the front Opposition Bench. The speech of the right hon. Gentleman (Sir Stafford Northcote) was the first they had had on the subject from that Bench. His right hon. and learned Friend the Secretary of State for the Home Department had, upon the occasion of the second reading of the Bill, twitted those who sat on the Opposition side of the House with having abandoned the principle of freedom of contract because a few eccentric Members had brought in a Bill which interfered with it. But the Conservatives, as a Party, or their Leaders, had never departed from the principle of freedom of contract in the dealings between landlord and tenant. Hitherto the marked difference between the two sides of the House had been that, whereas the Liberals had attempted to annul freedom of contract—the one sound spot in legislation on which the Conservative Party could take its stand, looking to the future, was on that question of free contract and security of property—right hon. Gentlemen opposite were again following the course they pursued with such fatal results to themselves when they were last in Office; and when they had sufficiently harassed public interests, it would be found that the people of this country, alarmed as to these questions of freedom of contract, and their confidence shaken in regard to property and its security, would naturally turn to that Body in the State which had stood firm to those principles. It was only on that ground that the Conservatives could hope to change places again with Gentlemen opposite. Therefore, he repeated, it was with extreme satisfaction he had heard

from the Leader of the Opposition distinct assurance—at least, he so accepted it—that whatever changes might be made in this Bill in Committee, would endeavour to maintain that freedom of contract which he believed was the desire of Englishmen to maintain inviolate. He would only add in conclusion, that the object of the Amendments, of which he had given Notice, to give effect to the recommendations of the Select Committee which sat for years on this subject.

Mr. BROMLEY-DAVENPORT said, it was quite true that the Warwickshire Chamber of Agriculture had passed a resolution at one of its meetings proving the principle of the Bill as regarded the abolition of the freedom of contract between landlord and tenant. He was present at that meeting; and begged to inform the House that resolution was proposed without notice, and at the close of the proceedings when all the principal members had left. The resolution was then passed by a small number of members, in spite of the strenuous protest of himself and of two others. He had never, he might add, had any communication addressed to him by his constituents in regard to the Bill, and he did not believe that they cared a straw about it. He protested against an attempt to pass Bills without notice. Members were longing to be of town, and hoped the Government would not act upon the principle of Pharaoh, and refuse to let the people go.

Mr. WARTON said, that he could only account for the words used by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. J. Bright) by saying that they seemed to be attributable entirely to his indignation against the barbarous Code, he termed it, of the Game Laws. The right hon. Gentleman seemed to be angry with them for supporting the barbarous Code, and that anger led him into what seemed to him (Mr. Warton) to be a breach of the Forms of the House by continually addressing his Members on that side as “you.” He had felt inclined to rise to Order; but his respect for the right hon. Gentleman and his position prevented him. He had not wished, in fact, to lose that Scriptural quotation, or the piece of poetry or the eloquence which had just fallen from the right hon. Gentleman’s lips.

*Lord Elcho*

en Lord Advocate and the Chief Secretary to the Lord Lieutenant, with the view of making the Census Bills for the three Kingdoms more uniform, and considering whether a column for religious professions might not be inserted, as was the case already in regard to Ireland. Not only the Church of Scotland, but, he believed, almost every religious denomination in that country, had presented a Memorial to the effect that such a column should be included in the Returns; and, therefore, he failed to see why, in the case of Scotland, at any rate, the Government had not been able to adopt that course.

MR. ARTHUR PEEL said, it was evident that there was a feeling that Religious Census should be taken in regard to Ireland. With regard to Scotland, however, the case was different. The hon. Member had stated that the Church of Scotland was in favour of it. But he could inform him that the great Dissenting Bodies were diametrically opposed to it. If it were introduced it would be likely to promote that *odium theologicum* which they must all have a great desire to avoid; and as such a Return was of little real value, unless there were a penalty attached to non-compliance, he trusted the House would be satisfied to omit such a column altogether.

MR. A. J. BALFOUR said, he did not think that the matter ought hardly to be disposed of in the manner such as the Government seemed to desire. The right hon. Gentleman the Prime Minister had, during the Election campaign, stated that the question of the disestablishment of the Church depended a great deal upon the numerical proportions of the different bodies; and, therefore, it became a matter of some political importance to know how the community was divided as regarded religious profession. He believed that at a late hour the previous night the Government had arranged that a column for religious denomination should be inserted in the Schedule of the Irish Census Bill, but that no penalties should attach to any individual for the non-statement of the sect to which he belonged; and he could see no possible objection to the same thing being done as regarded Scotland. The hon. Gentleman (Mr. Arthur Peel) seemed to think that because it was the wish of a large number

that it should not be done, it was, therefore, a bad thing. If he had said that to compel the people by penalties was a bad thing, he would not have disputed the proposition; but it must be plain that if dealt with in the way adopted in regard to Ireland, there could be no possible objection to such an arrangement. He trusted, therefore, that the hon. Gentleman would re-consider the propriety of introducing it in that way; and he would take this opportunity of giving Notice that on the third reading he should move that the Bill be recommitted, in order that a Proviso of the kind he referred to might be inserted.

MR. DICK-PEDDIE said, that he could tell the House that, as regarded the Free Church of Scotland, and the United Presbyterian Church—the two largest Dissenting Churches in Scotland—the reason why they had not petitioned against the insertion of such a column in the Census Return was, simply that they had an assurance that there was no intention to have such a column. He had been in communication with the representatives of the latter of these Churches, and it was only on his assurance that in the coming Census religious profession was not to be inquired into they had resolved not to petition. The main objection to the proposed column was that the State had no right to inquire into the religious profession of citizens who objected altogether to its intrusion into religious matters, and who accepted from it neither pecuniary help nor patronage. Besides, such a Return would be of no use as an aid to Parliament in legislation on ecclesiastical questions. He presumed that the question with reference to which the Return was chiefly wanted by those who urged it was that of Disestablishment. As an index of the opinion of the country on that question, such a Return would be especially worthless. The hon. Member for Hertford (Mr. A. J. Balfour) had said that the question of Disestablishment was raised by the Prime Minister during the recent Election. That was an entire mistake. It was not raised by the Prime Minister; but it had been raised by those who opposed his election, and that for the purpose of fastening on him the intention of disestablishing the Church, and so enabling

fore the Committee. He felt that it would be unfair to the hon. Gentleman if he had urged the matter forward, when the matter was already in hands so much better than his own. But he did think that, after the remarks which had fallen from the hon. Member, he was entitled to propose the change; and, further, so far as he was at present advised, it was his intention to take the sense of the Committee upon it. As he proposed to do that, perhaps the Committee would forgive him if he addressed himself to them on that subject. He did so with less hesitation, because the right hon. and learned Gentleman the Home Secretary had stated to the House recently that he (Sir John Hay) had placed on the Paper a great number of Amendments, 10 out of 13 being merely consequential Amendments. As to the proposition which he was about to recommend to the Committee, he would say that he would not detain them any length of time—

**THE CHAIRMAN:** Order! The Committee having accepted the Amendment of the hon. Member for Cockermouth, the portion of the clause sought to be amended by the right hon. and gallant Gentleman (Sir John Hay) has been struck out. The right hon. and gallant Gentleman will have an opportunity of moving his Amendment further on.

**SIR JOHN HAY** said, he should be glad to adopt that course.

**SIR WALTER B. BARTTELOT** said, that after the Amendments which had been placed upon the Paper by the right hon. and learned Gentleman the Home Secretary, it would not be necessary for him to move his Amendment.

**LORD ELOHO** said, that the Amendment he had to move had for its object two things—the preservation of the freedom of contract, and the making the Bill a practical one. A further object that he had in view in moving the Amendment was in order to import into that Bill the main recommendation of the Committee which had sat for two years upstairs—namely, in 1872-3. He would read the recommendation of that Committee to them, in order that they might the more readily understand the Amendment which he proposed to move. The first was, that the protection given to rabbits by the Game Laws should be withdrawn, except in warrens and in similar enclosed places. He had an

*Sir John Hay*

Amendment to that effect. Secondly, saving the rights under existing law, the law of Scotland was to be assimilated to that of England as regarded the game. The difference between the law of England and Scotland was that in England the game vested in the occupier, while in Scotland it belonged to the landlord, with the exception of rabbits, which were vested in the occupier. Thirdly, in the absence of agreement, the right of action was to belong to the tenant, and so also was to be in all cases for compensation for damage done by game. Such cases were to be referred to the County Court in England, and the Sheriffs in Scotland. Lastly, that the occupier of a game reserve should be made liable to the owners or occupiers of adjacent farms for damage done by ground game. All the provisions would be imported into the Bill, in case the Amendments he placed upon the Paper were agreed to. The clause, as it stood, said—

“That the right should be given to the tenant, and should be inseparable from the occupation of the land.”

As he proposed to amend it, it was read—

“That every occupier should have the right to take the ground game, except where otherwise expressly provided by reservation,” &c.

That was, that he should have the right incident of the tenancy. He proposed to strike out “and inseparable from.” Subsequently, it might be desirable for him to explain what would be found on page 16 of the Amendments—namely, the words which would have the effect of giving compensation to the tenant where the landlord, by reservation of agreement, caused damage to the occupation of the tenant. That also, as he had already pointed out, was one of the recommendations of the Game Law Committee. He begged to move the Amendment, and he might say that he intended to take a division upon it in order to test the question which thereby raised.

**Amendment proposed,**

In page 1, line 11, after the word “have,” insert the words “except where otherwise expressly provided by reservation, lease, contract of tenancy, or other contract.”—(*Lord Elok*)

**Question proposed,** “That those words be there inserted.”

Mr. J. G. TALBOT said, he should like to ask the reasons of the right hon. Gentleman for thinking there was a prevailing feeling such as that. They all understood that there was a certain number of Nonconformists who had an objection to such a Census; but he could not allow that to be taken as a prevailing feeling. ["Oh, oh!"] The hon. Gentleman might say "Oh, oh!" but he denied that the Nonconformists had a right to claim to be in a majority in this country. He should not have entered into that discussion had it not been for the remark of the right hon. Gentleman. But he would say, looking at the Scotch question, he believed that there were a considerable number of the people of that country in favour of such a Census. The Religious Bodies in that country were principally five in number. There were the three sections—the Presbyterian Church, the Episcopal Church, and the Roman Catholics. The remaining sects were, comparatively, very small. If it was the case, as stated by an hon. Member before the Gangway (Mr. Dick-Peddie), that the question of Disestablishment was likely to arise next Session, he thought it was most important that they should have something like trustworthy statistical information upon the question. It was important to ascertain the real condition of the country in Scotland. They wished also to know why that information was to be afforded in the case of Ireland, and not in Scotland? He was at a loss to understand the reasons which led the Government to shrink from affording a Return of the religious opinion of the people of that country.

Mr. DODSON said, he must ask to be allowed to say a word in explanation. His hon. Friend had misunderstood what he had stated. The gist of his former remarks was, that he believed there was a prevailing feeling, both in Scotland and England, against a Religious Census, and they did not think it desirable to ask for it in the face of that feeling. He had not meant to assert anything as to majorities or minorities; it simply alluded to what they had reason to believe was a prevailing feeling. Mr. COURTNEY said, he thought the right hon. Gentleman had not fully appreciated the change in the conditions of this question effected by the adoption

of the Motion of the hon. and learned Member for Dewsbury (Mr. Serjeant Simon). In removing the penalty on non-compliance with the Return as respects religious opinions, the argument against asking for that Return fell to the ground. The hon. Gentleman the Under Secretary of State for the Home Department (Mr. Arthur Peel) had said that a mere optional statement would be of no service at all. He could not agree with that; because he believed that there were comparatively few who, from conscientious motives, would refuse to furnish the information. He thought that if his hon. Friends near him were right—namely, that the time had come when they might deal with the question of Disestablishment—such a Return as that now sought would be of considerable value. He would also point out that in the Colonies they had had a Religious Census for some time past. He wished to impress upon them that the proposal of the hon. and learned Member for Dewsbury (Mr. Serjeant Simon), with regard to the penalty for non-compliance, had altered the question, and that as it was now proposed to have that Return made optional it would be well to re-consider the matter. This Return was strongly advocated 10 years ago by Mr. Bruce; and, as stated by the right hon. Gentleman the Member for Cambridge University (Mr. Beresford Hope), reluctantly abandoned.

Mr. ILLINGWORTH said, he wished to draw attention to the fact that the non-insertion of the religious profession was the only item where the penalty did not apply. Under those circumstances, he was bound to say that he thought there would be great difficulty in getting a substantial and complete Census; and, therefore, he believed that such a Return would be valueless to that House. He could not understand how it was that there was so much anxiety shown on the other side for a Religious Census of Scotland at the present time. He happened to be in that House in 1869, when the question of the Disestablishment of the Irish Church was before Parliament; and nothing was more striking than that Gentlemen opposite persistently opposed it, although the statistics in their possession showed that the adherents of the Established Church in that country did not number more than 1 in 7. But, unfortunately, when the



ask the Committee to divide, in order to have the question tested. He contended that his hon. Friend opposite ought to vote with him, inasmuch as his present proposal was identical with that of his hon. Friend (Mr. Brand) on the second reading, and which he had pointed out would make the Bill a practical one to the farmer. The right hon. and learned Gentleman the Home Secretary had stated that—

“They had heard a great deal about that question of compensation, and that the more he heard of it the less he believed in it, and he thought it was valueless.”

His hon. Friend the Member for Linsithgowshire (Mr. M'Lagan) referred, on Thursday last, to a Mr. Murray, who was the agent for proprietors whose rental amounted to something like £200,000 a year. He (Lord Elcho) had asked him about the working of Mr. M'Lagan's Compensation Act scheme in Scotland, and that Gentleman had replied, in a letter which he received that morning, and from which, with the permission of the Committee, he would then read an extract. He said—

“There had not been time to test the working of Mr. M'Lagan's Act; and, although most leases entered into since it was passed were drafted in the terms of its provisions, he was not aware, personally, that any case had arisen which had become the subject of a judicial decision. People were, of late years, strongly opposed to the over-preservation of game, which was unjust to the tenant; but few cases, indeed, came into Court, as, when damage was done, the landlord made full compensation. At present, the tenant trusted to the good feeling of the landlord, instead of claiming compensation. If that Bill passed, it would raise an antagonism between landlord and tenant; the tenants would stand upon their legal rights, and in consequence, he believed, be in much worse a position than at present. The effect of that Bill would, undoubtedly, be to restrict the freedom of contract; whereas a system of compensation being provided, the landlord and tenant could settle any dispute between themselves.”

MR. JAMES HOWARD said, the noble Lord had grounded his proposals on the recommendations of a certain Committee. He would remind the noble Lord that many things had happened since the time when that Committee sat. The farmers and the country had had the further experience of the principle of freedom of contract in the case of the Agricultural Holdings Act, so that both were already aware of the worthlessness of the system the proposal sought to carry out. The proposition of the noble

*Lord Elcho*

Lord struck at the very root of the Bill, and if it were accepted, the whole would become a sham, the same as the Agricultural Holdings Act had become. Of course, the Government would be unable to accept it.

MR. SOLATER-BOOTH said, he did not know whether the noble Lord meant to go to a division; but, if he did, he should be unable to vote with him. He was not prepared to say that the principle of compensation could not be imported into that Bill; but he would say that he did not believe that it would be a sufficient, or adequate, remedy for the existing mischief. The Bill was intended to meet that; and he himself had proposed an Amendment to move hereafter which he believed, would deal with it more effectually. He could not, however, support the proposal of the noble Lord.

MR. CHAPLIN said, that the noble Member for Bedfordshire (Mr. J. Howland) had referred to the worthlessness of the Agricultural Holdings Act, and had said it was nothing but a sham. He could not allow that observation to pass without protest. It was perfectly true, he would acknowledge, that that Act had not had the effect that was desired as a consequence of the distressing circumstances of agriculture; and he had proposed an Amendment to it which he had totally denied. It had been adopted in many parts of the country; and, therefore, to call it an utter sham, was a misrepresentation.

SIR EDWARD COLEBROOKE said, they had just had a desultory discussion about the question actually before them, but the question actually before them was whether they should leave out certain words and insert others in a clause which would affect the whole Bill. Whatever the recommendations of the Committee might have been, there could be no doubt that the House had affirmed the second reading of that measure, with that, its principle. They ought, therefore, to endeavour to adhere to the programme laid down by the Government. He had only one observation to make with regard to compensation. They had fully agreed that it had not been sufficiently long in existence to be able to judge of its effects. He must say that he had grave misgivings whether it would produce a benefit, so that he could hardly be regarded as being in favour of that system. He wished to improve

ove the adjournment of the debate, in order that a more convenient opportunity might be afforded him.

Motion made, and Question proposed, That the Debate be now adjourned." (Sir John Hay.)

LORD FREDERICK CAVENDISH said, he should be in the recollection of the House when he stated that the Navy Estimates had been twice before in the House already in the present Session. The right hon. and gallant Gentleman had full opportunity in the morning for expressing his views on the subject, and during the present Session the subject had been fully discussed. He thought that they ought not to be asked to defer the Report of Supply simply because the right hon. and gallant Gentleman did not happen to be present when the Estimates were brought

SIR JOHN HAY said he begged to withdraw his Motion, and he would bring the matter up on the Appropriation Account.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

First Five Resolutions *agreed to*.

Sixth Resolution.

LORD FREDERICK CAVENDISH said, that he begged to move that the Vote be re-committed. The hon. Member for Queen's County (Mr. A. O'Connor) had moved to reduce the Vote by £1,600; whereas it was, as he understood it, £1,500. There was, therefore, a discrepancy of £100, which was on account of an official in the Lord Chancellor's office; and in order that that amount might be voted he must ask to re-commit the Vote.

Motion *agreed to*.

Sixth Resolution *re-committed* to the Committee of Supply.

Subsequent Resolutions *agreed to*.

#### WAYS AND MEANS.

##### CONSOLIDATED FUND (NO. 2) BILL.

Resolution [August 9] *reported*, and *agreed to*: Bill *ordered* to be brought in by Mr. PLAYFAIR, Lord FREDERICK CAVENDISH, and Mr. JOHN STUBBS.

Bill *presented*, and read the first time.

House adjourned at a quarter after Two o'clock.

## HOUSE OF COMMONS,

Wednesday, 11th August, 1880.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES—Class III.—LAW AND JUSTICE, Vote 3.

PUBLIC BILLS—*Ordered*—First Reading—Post Office Savings Banks \* [309].

Second Reading—Consolidated Fund (No. 2) \*; Assaults on Young Persons \* [304].

Committee—Hares and Rabbits [194]—R.P.

Committee—Report—Fraudulent Debtors (Scotland) (*re-comm.*) \* [289-298].

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 3) \* [278]; Local Government (Ireland) Provisional Orders (Artizans' and Labourers' Dwellings (Dublin) and Waterworks (Armagh) \* [282]; Bastardy Orders \* [305], and *passed*.

Withdrawn—Free Education (Scotland) \* [299]; Inhabited House Duty and Income Tax \* [169].

#### CONTROVERTED ELECTIONS.

Mr. SPEAKER informed the House, that he had received from Sir Robert Lush and Mr. Justice Manisty, two of the Judges selected, in pursuance of The Parliamentary Elections Act, 1868, for the Trial of Election Petitions, a Certificate and Report relating to the Election for the

Borough of Sandwich.

#### BOROUGH OF SANDWICH ELECTION.

The Parliamentary Elections Act, 1868.

The Parliamentary Elections and Corrupt Practices Act, 1879.

The Parliamentary Elections and Corrupt Practices Act, 1880.

To The Right Honourable

The Speaker of the House of Commons.

We, the Right Honourable Sir Robert Lush, knight, and the Honourable Sir Henry Manisty, knight, Judges of the High Court of Justice, and two of the Judges for the time being for the trial of Election Petitions in England, do hereby, in pursuance of the said Acts, certify that upon the 5th, 6th, 7th, 9th, and 10th days of August 1880, We duly held a Court at the Guildhall, in the Borough of Sandwich, in the County of Kent, for the trial of, and did try, the Election Petition for the said Borough between Sir Julian Goldsmid, baronet, Petitioner; and Charles Henry Crompton Roberts, Respondent.

And, in further pursuance of the said Acts, We report that at the conclusion of the said trial we determined that the said Charles Henry Crompton Roberts, being the Member whose

men would really let them go that far, they should be quite satisfied. He believed that point could be reached in a quarter of an hour, if hon. Gentlemen would exercise patience for that length of time. If they came to an important Amendment, he would consent to the proposal not to go on.

SIR JOHN HAY said, that the first Amendment he had on the Paper had been passed over, because of the part of the line it proposed to amend being left out. With reference to the next Amendment to the same effect—namely, in page 1, line 18, to leave out “ground game,” and insert “hares and rabbits,” he would say that he feared it would occupy considerable time, and he intended to take a division upon it. He thought, that when they reached that Amendment, they ought to stop at any rate.

COLONEL RUGGLES-BRISE said, he had a similar Amendment to the one of the right hon. and gallant Gentleman, and he believed that some discussion would ensue upon that also.

SIR WILLIAM HARCOURT said, that the Amendment of the hon. and gallant Member referred to close time—namely, the months of February, March, and April. The Amendment of the right hon. and gallant Gentleman (Sir John Hay) was the only question that would take any time before they came to the Proviso. He did not know that that even would occupy a considerable time, as there had been much discussion on the Motion of the hon. Member for Stroud (Mr. Brand) on the second reading, which was, practically, the same. The effect of the Amendment, if passed, would be totally fatal to the Bill. It was totally in opposition to its scheme. He did not think that it would take long to dispose of that question, if he understood it rightly, that the right hon. and gallant Member proposed to take up the Amendment of the hon. Member for Stroud (Mr. Brand).

SIR JOHN HAY said, that the right hon. and learned Gentleman the Home Secretary must see, as he had endeavoured to explain, that they were viewing the matter from different points. He was not present at the second reading, and when he entered the House and placed the Amendments on the Paper, he found they were identical with those of the hon. Member for Stroud (Mr.

Brand). The hon. Member for Stroud had told the Committee that it was his intention to press his Amendment, and, therefore, he left the matter in (Sir John Hay's) hands. His Amendment would come on after that of hon. and gallant Member for East Essex (Colonel Ruggles-Brise). He thought the right hon. and learned Gentleman was looking at the wrong Paper. He would find, if he looked at the later Paper, that the Amendment of the hon. and gallant Member for East Essex came before his. He had observed before that the right hon. and learned Gentleman appeared to be in a difficulty, owing to his looking at the wrong Paper.

MR. GORST said, he hoped the right hon. and learned Gentleman the Home Secretary would agree to the Motion to report Progress, for, obviously, the Amendment of the hon. and gallant Member for East Essex (Colonel Ruggles-Brise) was one which the right hon. Gentleman had not seen, and, therefore, had no time to study. The right hon. and learned Gentleman had referred to the Amendment which had regard to close time, but the first Amendment of the hon. and gallant Member was to leave out “ground game,” and put in “rabbits.” They had supported the Government on that Bill—and had, in the last division, voted with the Government. They intended to continue that support with regard to that measure; and he made an appeal to the right hon. and learned Gentleman, whether it was fair to them, in the middle of the Session, on a day which belonged properly to private Members, but which had been taken from them contrary to the Standing Orders of the House—considering that they had had a Morning Sitting at 2 o'clock, and had sat for 11 hours, that they should sit again at 12 o'clock that day, was it fair, he would ask, for the Government to call upon their supporters to make greater sacrifices and exertions than they were able to make? If they, on that side, supported the Government, he thought it was only fair that they should be allowed to do so without extraordinary sacrifices of health and strength. He thought that fully sufficient time had been given to that Bill on that day, and, therefore, he did hope the Government would consent to report Progress.

SIR WILLIAM HARCOURT said, that, as he had before stated, if the

*Sir William Harcourt*

very much desired to report Progress, he could not object. The hon. and learned Member who had just sat down had said that he (Sir William Harcourt) had had time to examine the Amendment of the hon. and gallant Member opposite (Colonel Ruggles-Brise), which was to have out "ground game," and insert rabbits." That was perfectly intelligible on the face of it; and he did not think that it required a great deal of argument in order to ascertain whether the Committee desired to adopt it or not. He should have thought that that Amendment could have been disposed of without difficulty. At the same time, if the Committee were disposed to report Progress, he should not oppose it.

COLONEL RUGGLES-BRISE said, he wished to explain that his second Amendment was not put correctly on the paper. It should run thus—"Rabbits all seasons of the year, and hares during the months of February, March, and April."

Motion agreed to.

Committee report Progress; to sit again To-morrow.

CENSUS BILL—[Lords]—[BILL 285.]

(Mr. Dodson.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, That the Bill be now read a second time."—(Mr. Dodson.)

MR. A. J. BALFOUR said, he should not oppose the second reading of that Bill, provided the Government would give them a pledge that a suitable opportunity would be given for discussion of the measure. A discussion on it need not occupy a long time; but it was necessary that there should be one. He begged to move, therefore, that the Debate be adjourned, in order to secure at such an opportunity should be given.

Motion made, and Question proposed, That the Debate be now adjourned." (Mr. Arthur Balfour.)

MR. DODSON said, that the Bill was only the ordinary Census Bill, the same had been passed in former years.

MR. A. J. BALFOUR said, he did not wish the right hon. Gentleman to misunderstand him. He only wanted a

better opportunity than such a time as a quarter past 1 in the morning for discussing matters in connection with the Bill.

MR. DODSON said, the hon. Member asked for an opportunity of discussing the matter. If he had said that he intended to traverse the Motion to leave the Chair, or to raise a discussion in Committee, he (Mr. Dodson) should have been in a better position to judge of what the hon. Members's requirements were. The hon. Member had not said whether he should propose an Amendment directly against the Bill or not.

MR. BERESFORD HOPE said, that, certainly, he was rather, surprised at his right hon. Friend, with his experience, talking of its being only the Census Bill. It was 10 years ago that the matter was brought up, and it was, no doubt, the misfortune of his right hon. Friend, as well as it was his own, to have reached a Parliamentary age which tempted them to look back on former Census Bills as matters of the day before yesterday. They must, however, have a regard for Members to whom they were absolutely novel. As far as his hon. Friend and Relative, who had spoken recently, was concerned, a Census Bill was totally a new sensation. It was the same with his noble Friend the Member for Woodstock (Lord Randolph Churchill), and with many Gentlemen opposite, who seemed to be enjoying the condition of a vigorous senatorial youth. Therefore, he would say that he certainly had not expected to hear from one of the present Government that there was nothing in a Census Bill which only came once in 10 years. It seemed like falling back into a state of things such as took place in the Parliaments of some Continental nations, where they had a Budget, for instance, every two, or three, or, perhaps, 10 years. A good many things had happened in the course of the last 10 years. For instance, 10 years ago they had an Empire in France, and free and open voting in England. If his right hon. Friend would recollect what took place in the case of the former Census Bill, he thought he would agree that it did not pass off altogether sweetly. The Census Bill of 1860 made provision for a religious Census, which Sir George Cornewall Lewis most unwillingly abandoned. The Government of 1870 was a Liberal one, and the

Census Bill, which contained many important provisions, did not offer a religious enumeration; for certain hon. Gentlemen, supporters of the Government below the Gangway, had created such a disturbance that those provisions were withheld; but the then Home Secretary (Mr. Bruce—now Lord Aberdare) condemned the conduct of those hon. Gentlemen in stronger terms than he was wont to employ. He must say that he agreed with his hon. Friend the Member for Hertford (Mr. A. J. Balfour), that that hour was hardly a proper one for discussing so important a measure. He thought, however, that a discussion might be raised on going into Committee on the Bill, and, for that reason, he did not see why it should not be read a second time then.

MR. E. STANHOPE said, he did not think that his hon. Friend had made an unreasonable request in demanding fair opportunity of discussing that Bill. He had himself an important Amendment on it in Committee, which would be placed upon the Paper as soon as it had been read a second time. He hoped that the Government would give a reasonable opportunity for that discussion; and he would point out to the right hon. Gentleman the President of the Local Government Board, that if he did not accede to that suggestion, the result would be that a Motion would be put on the Paper which would prevent the Bill being taken after half-past 12.

THE MARQUESS OF HARTINGTON said, he was on the point of suggesting to the hon. Member opposite that that course was quite open to him. He could also, if he wished, put a Notice on the Paper when the Motion came on that the Speaker do leave the Chair. The only difficulty was just then fixing a convenient time to take the discussion.

MR. SCLATER-BOOTH said, that the noble Lord seemed to forget that the Government monopolised the Morning Sittings, and that the half-past 12 Rule could not apply to them. So that the Census Bill might be taken at a Morning Sitting, and the hon. Member would have an opportunity of a fair discussion.

THE MARQUESS OF HARTINGTON said, that that Bill would not be taken before 7 o'clock.

MR. A. J. BALFOUR said, under those circumstances, he begged to withdraw his Motion.

*Mr. Boreasford Hope*

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *commenced* for Friday, at Two of the clock.

CENSUS (SCOTLAND) BILL [Lord  
(Mr. Arthur Peel.)

[BILL 286.] CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed:—“That the Bill be now taken into consideration.”—(Mr. Arthur Peel.)

MR. DALRYMPLE said, he did intend to conclude with a hostile Amendment; but he merely desired to state with regard to what was called the religious Census, he wished that a column providing for it might be included in the Bill. There had been a provision that effect inserted in the Irish Bill, he thought it would be less invidious in the case of the Bill for Scotland. Moreover, in former times, in 1860 and 1870, the utmost possible sympathy expressed by the Government of the day with such a proposal, and he should have thought that there would have been now very little objection to such a course being taken. They had had turns moved for in recent years relative to that subject, which, after they were obtained, were pronounced to be incorrect; and it seemed to him that the best way of obtaining reliable Returns would be by placing a column in the Census Returns for that purpose. He spoke in favour of that Return being made on behalf of the Church of Scotland, which, so far from having any objection to it, positively desired such a Return should be made. He would merely ask the Government, without moving any Amendment whatever, to state the reason why they objected to the insertion of a column for religious professions. In former years that proposal was regarded with favour by Liberal Governments; and it was desired now by a considerable number of the people of Scotland.

MR. SCLATER-BOOTH said, he should be glad also to have a definite expression of opinion from the Government. When he held the Office then held by his right hon. Friend (Mr. Dalrymple), he was in communication with

ords of the Amendment as it stood on the Paper. He did not care whether the limitation in regard to hares was for three months or for six months; but he wanted the right hon. and learned Gentleman to allow the tenant farmers, who had the shooting upon the farm, privileges which would enable them to preserve hares to a certain extent, in the same way as the partridges, pheasants, and other winged game. That was the object of the Amendment. He also wished to make a provision by which the owner of the land would be able to walk over a farm in the shooting season without being subjected to quarrels with his neighbours, which would thereby spoil his sport. It was said that the farmer could do as he liked; that he could go now into the fields and walk over his turnips in the autumn, putting down the birds and spoiling the sport for the day. No doubt, the farmer could do so if he liked; but they all knew that the farmers, generally speaking, were on the best terms with the landlords, and they never heard of such a thing as a farmer attempting to deliberately vex a landlord in this way by spoiling his sport. But it might so happen that the agents, who could be employed under the Bill in a wholesale manner, might have a right to walk over the fields and might spoil the sport. All he asked by the Amendment was that the right hon. and learned Gentleman should grant to England the rights which he proposed to confer in connection with the moorlands and uninclosed lands of Scotland. He begged to move the Amendment.

SIR WILLIAM HARCOURT said, that the Amendment raised, no doubt, a very important point in connection with the Bill. It was a question as to whether there was to be a close time for hares, and whether the farmers were, during a certain portion of the year, to be prohibited from killing hares upon cultivated and arable land, where the depredations of hares and rabbits were a general ground of complaint. He had considered the question with very great care, and with every desire to come to a compromise; but he could not agree to make any restriction in regard to the power of destroying hares on cultivated ground. The hon. and gallant Gentleman (Colonel Ruggles-Brise) had referred to the limitation which was proposed in regard to moorlands and uninclosed land.

That was a totally different matter. The injury done by hares on moorland and waste land was altogether a different thing from the injury done by hares to growing crops. Attention had been called to the pressure which was now brought to bear upon agriculture, and to the fact that it was now becoming more and more of a science. A farmer was now compelled to grow a multitude of different crops; and, in many places, farming was very much approximated to the condition of market gardening. The Amendment moved by the hon. and gallant Member proposed to give nine months during which hares would have the free run of a farm, and to reserve the power of the farmer to keep them down only to three of the winter months. When the artificial crops were being brought forward the farmer was to be rendered powerless; and the Amendment of the hon. and gallant Member went to the extent of saying that when the frosts of November came in, and the hare was seeking for food, the farmer should not be able to touch it. Surely, that was a most unreasonable proposition. In the present state of agriculture, Parliament must be the best judge as to what were to be regarded as crops, and what were the times of the year when the crops were likely to suffer most. To adopt the Amendment moved by the hon. and gallant Member would be simply to defeat the object of the Bill. He had been told that in Norfolk the time at which the farmer had the right to kill hares and rabbits was July and August, during the harvest. What was the consequence of that amicable spirit of arrangement between the landlord and tenant? Having obtained from the landlord the opportunity of killing ground game, he exercised it at the time most convenient to himself and to his landlord; and having destroyed the hares that were likely to be injurious to his crops, he did not interfere with his landlord's partridges and pheasants in September and October. The hon. and gallant Gentleman now said that if Parliament rejected a close time which was to last for nine months in the year the hares would disappear. That was entirely contrary to his (Sir William Harcourt's) experience. It seemed generally to be assumed, on the other side of the House, that he had never had a gun in his hand. That was an entire mis-

them to raise the cry, "the Church in danger." The fact was that the question was a prominent one in almost every constituency in the late General Election in Scotland. But it was not made so by the action of Liberal candidates, or the Liberal Party. That Party had purposely abstained from raising that question, in view of the more pressing, if not more important, issues before the country at the time. But the Conservative and Church Party had raised it with a result most damaging to themselves, for they had made it plain that when the Church had put forth all its strength, and sought to make its existence a test question, it had failed to secure public support, as it had succeeded in returning only seven out of the 60 Representatives from Scotland. In truth, there were many who, while Members of the Established Church, were utterly indifferent to its continuance as an Establishment; and, therefore, an enumeration of those who professed to belong to that Church, or to other Churches, would be utterly illusory as a text of public opinion on the question of Disestablishment. The true way of testing that opinion was at the polling booth; and he hoped that at the next General Election an opportunity of applying that test would be given. The question itself, he might inform hon. Gentlemen opposite, would likely be raised in this House early in next Session. He trusted the Government would stand firm in their intention of taking the Census that year in the ordinary way. If so, they would have the support of all the Members from Scotland, except the small minority who sat opposite.

SIR JOHN HAY said, that with reference to what had fallen from the hon. Member for Kilmarnock, he wished to state that he believed the majority of the people in Scotland were in favour of that information being given. He believed that the United Presbyterian Party were opposed to it; but that those who had petitioned in favour of it were in the majority. He could give them an instance of the difficulties that sometimes arose from not possessing such a Census. In a parish with which he was connected certain members had to be elected to a school board, and in order to give a fair proportion to the different bodies he himself undertook that a

Census should be taken. He found out of 2,100 persons about 1,550 belonged to the Established Church in Scotland, about 250 to the Free Church and 250 to the United Presbyterian and Roman Catholic Churches. The school board was filled up according to those proportions; but it led to some discrepancy which would have been avoided if they had had an official Census to which to refer. He thought that that information might be asked for without penalty being attached to the non-compliance, just as would be done in Ireland. He was unable to agree with the hon. Member for Kilmarnock that the majority were opposed to it; and he thought that the learned bodies were decidedly in favour of it, for the sake of statistical information. If the hon. Member Bute (Mr. Dalrymple) decided to abide upon the matter he should support him.

MR. DODSON said, that inquiries had been instituted into that matter; and as far as they could learn, there was no desire on the part of the Scotch people that there should be such a Census. In regard to Ireland, there appeared to be no objection to a Religious Census being taken; but in England there was a prevailing feeling against it. If that being so, the Government were not prepared to require a Religious Census to be taken in Scotland, any more than in England. The right hon. and gallant Baronet (Sir John Hay) had said that for some purposes a Religious Census would be convenient; but the instance he had quoted seemed hardly of sufficient importance for the Government to alter their determination in regard to the matter. He was unable to hold any hope that a Religious Census would be taken in Scotland.

MR. J. G. TALBOT said, that the right hon. Gentleman who had just spoken had imported into the discussion what appeared to be unnecessary, namely, the question of a Religious Census in England. But, inasmuch as he had chosen to say what he had said, he could hardly allow that remark to go unchallenged. The right hon. Gentleman had stated that there was a clear and general feeling, both in Scotland and England, against a Religious Census.

MR. DODSON said, he had used that expression a "prevailing feeling."

*Mr. Dick-Peddie*

ords of the Amendment as it stood on the Paper. He did not care whether the limitation in regard to hares was for three months or for six months; but he wanted the right hon. and learned Gentleman to allow the tenant farmers, who had the shooting upon the farm, privileges which would enable them to preserve hares to a certain extent, in the same way as the partridges, pheasants, and other winged game. That was the object of the Amendment. He also wished to make a provision by which the owner of the land would be able to walk over a farm in the shooting season without being subjected to quarrels with his neighbours, which would thereby spoil his sport. It was said that the farmer could do as he liked; that he could go now into the fields and walk over his turnips in the autumn, putting down the birds and spoiling the sport for the day. No doubt, the farmer could do so if he liked; but they all knew that the farmers, generally speaking, were on the best terms with the landlords, and they never heard of such a thing as a farmer attempting to deliberately vex a landlord in this way by spoiling his sport. But it might so happen that the tenants, who could be employed under the Bill in a wholesale manner, might have a right to walk over the fields and might spoil the sport. All he asked by the Amendment was that the right hon. and learned Gentleman should grant to England the rights which he proposed to confer in connection with the moorlands and uninclosed lands of Scotland. He begged to move the Amendment.

SIR WILLIAM HARCOURT said, at the Amendment raised, no doubt, a very important point in connection with the Bill. It was a question as to whether there was to be a close time for hares, and whether the farmers were, during a certain portion of the year, to be prohibited from killing hares upon cultivated and arable land, where the depredations of hares and rabbits were a general ground of complaint. He had considered the question with very great care, and with every desire to come to a compromise; but he could not agree to make any restriction in regard to the power of destroying hares on cultivated ground. The hon. and gallant Gentleman (Colonel Ruggles-Brise) had referred to the limitation which was proposed in regard to moorlands and uninclosed land.

That was a totally different matter. The injury done by hares on moorland and waste land was altogether a different thing from the injury done by hares to growing crops. Attention had been called to the pressure which was now brought to bear upon agriculture, and to the fact that it was now becoming more and more of a science. A farmer was now compelled to grow a multitude of different crops; and, in many places, farming was very much approximated to the condition of market gardening. The Amendment moved by the hon. and gallant Member proposed to give nine months during which hares would have the free run of a farm, and to reserve the power of the farmer to keep them down only to three of the winter months. When the artificial crops were being brought forward the farmer was to be rendered powerless; and the Amendment of the hon. and gallant Member went to the extent of saying that when the frosts of November came in, and the hare was seeking for food, the farmer should not be able to touch it. Surely, that was a most unreasonable proposition. In the present state of agriculture, Parliament must be the best judge as to what were to be regarded as crops, and what were the times of the year when the crops were likely to suffer most. To adopt the Amendment moved by the hon. and gallant Member would be simply to defeat the object of the Bill. He had been told that in Norfolk the time at which the farmer had the right to kill hares and rabbits was July and August, during the harvest. What was the consequence of that amicable spirit of arrangement between the landlord and tenant? Having obtained from the landlord the opportunity of killing ground game, he exercised it at the time most convenient to himself and to his landlord; and having destroyed the hares that were likely to be injurious to his crops, he did not interfere with his landlord's partridges and pheasants in September and October. The hon. and gallant Gentleman now said that if Parliament rejected a close time which was to last for nine months in the year the hares would disappear. That was entirely contrary to his (Sir William Harcourt's) experience. It seemed generally to be assumed, on the other side of the House, that he had never had a gun in his hand. That was an entire mis-



Census Returns happened to turn against the opinions of hon. Gentlemen opposite they would put no faith in them. He knew of no more correct way of arriving at the mind of the people of this country than by an appeal at a General Election. But hon. Gentlemen seemed to have disregarded the fact that out of 60 Members coming from Scotland the 53 on that side were not qualified to speak for the people; but they wanted a supplementary method of learning the mind of the Scotch people, whether the ecclesiastical Establishment in that country should be maintained. That, he must confess, passed his comprehension; and he thought that the decision of the Scotch people might be certainly taken as being against a Religious Census being included in the others. As regarded religious denominations in Scotland, they had a ready means of ascertaining, through the Church-books, the number of adherents; and he hoped that, as no penalty was to be attached to non-compliance with the instructions in regard to that matter, the Government would adhere to their intention not to take such a Census at all.

SIR HERBERT MAXWELL said, that the hon. Member for Kilmarnock (Mr. Dick-Peddie) seemed to think that the opinion of the Scotch people was to be concluded immediately, from the fact that, as regarded the Disestablishment of the Church, the members of other sects were more numerous. Opinions might vary as to that. He thought that a great number of people in Scotland entertained opinions as to the desirability of maintaining the Established Church quite apart from the question of numbers. At the same time, he was aware that many founded their opinions upon the same basis as did the hon. Member—namely, that of numerical strength. In order to arrive at that they had been told that all that was necessary was to refer to the Church-books. He would give an instance of how those statistics were made up. In his own parish, several weeks ago, it was advertised in the local papers that a certain shining light of the United Presbyterian Church—since dead—was going to preach. The effect of that notice was that not only the United Presbyterians attended the Service, but also numbers of other sects. That day

*Mr. Illingworth*

happened to be the one selected for taking the Census, and persons were stationed at the door taking down the number of those who attended. Of course, if the Census of Religious Bodies was to be taken in that way it could hardly be supposed that it would be of a reliable nature. He thought it most desirable that they should have official statistics, in order to ascertain really the relative numbers of the religious professions.

MR. MIDDLETON said, he was afraid that religious animosity would spread among them if they were to go on much longer. He felt that it was quite unnecessary to go into the merits of the case at this time, especially in the presence of so many Scotch Members. At the same time, he desired to state, more distinctly, that, so far as he came into contact with the sentiment of the religious public in Scotland, it was decidedly against having any such Census. It was quite natural that hon. Members who sat upon the other side, and who represented the Church of Scotland, should speak in the way they had done; but they must remember that the Non-conformists of Scotland were really a majority; and, so far as their Churches went, they had, he believed, expressed themselves quite as strongly in the opposite direction.

MR. WARTON said, it appeared to him that they were confounding two things. They were not inquiring into the theological opinions of persons, much as merely asking them to state what they had publicly acknowledged already.

*Motion agreed to.*

Bill, as amended, *considered*; to be read the third time upon *Friday*, at 7 o'clock.

#### SUPPLY—REPORT.

Resolutions [9th August] *reported*.

Motion made, and Question proposed—“That the said Resolutions be read a second time.”

SIR JOHN HAY stated that he had put a Notice down on the Report of the Supply. He did not wish to occupy the time of the House; but if it was desired that he should bring his Motion relating to the Navy before the House then, he was ready to do so. He should

tion to the farmer for the purpose of enabling him to preserve his crops, and ought not to be regarded as a Bill for the encouragement of sport. If they were to impose restrictions they would find it difficult to adapt the same restrictions to all parts of the country; and in order to enforce restrictions it would be necessary to set up penalties in the Bill. What was to be the close time, and to whom was it to be applied? Was it to affect the tenant farmers generally, or only those tenant farmers whose landlords reserved their rights? Was it a right and proper restriction, or should it not be applied to landlords all over the country, and also to those tenants who enjoyed the right of shooting with their occupation? He wished to point out that, as the Bill stood, the restriction of the Act of *Will. IV.* having been repealed, no restriction could be imposed on the tenant farmer for the exercise of that right, unless they imposed penalties under the Bill. One grievance which had been complained of by the tenant farmers for many years was the penalty imposed on them by that Act for taking game on the property they occupied. He sincerely hoped the Bill was not going to have incorporated in it any Amendment that would impose new restrictions, which restrictions would be necessary to enforce by a penalty not universally imposed on all farmers, but only upon those who possessed peculiar rights.

MR. GREGORY presumed that it was the object of the Committee to give proper protection to farmers and their crops, but as far as could be consistently with the rights and privileges of the landlord and the enjoyment of his property. It did not, however, appear to him that the Amendment of the hon. and gallant Gentleman met either of those requirements, because it did not give sufficient protection to the farmer, and it did not secure that the protection which it did give was consistent with the rights of the landlord. There was an alternative which, in his opinion, was very much better than the proposal of his hon. and gallant Friend. He thought that, speaking generally, four months of the year, properly occupied by the farmer, would enable him to destroy every rabbit and hare on his property, and he would allow the particular four months to be a matter of selection between the land-

lord and the farmer himself; but he was bound to say that in such a county as that which he represented (East Sussex) he did not think the Bill in any shape would enable the farmer to keep down the rabbits and hares, because the woods in the neighbourhood of the various properties were very large, and the hares and rabbits were bred in the woods and not on the farm. They came out of the woods, and the facilities they had for getting backward and forward from the woods rendered it extremely difficult to destroy them on the farm land. They were kept down in his county by the good understanding which existed between the landlord and tenant, and it was most desirable to preserve that good understanding. Therefore, speaking in the interests both of the landlord and of the tenant, he ventured to suggest that the Amendment should be withdrawn; and when the proper opportunity occurred the Committee should consider the propriety of giving four or five months to the tenant for killing hares and rabbits, leaving it to the parties to arrange between themselves what those months should be.

MR. GURDON pointed out that the Amendment did not agree with the views of those who were disinclined to the institution of a close time, nor did it fix months that would be satisfactory to all who desired a close time. Many would prefer other months than those mentioned in the Amendment; and, therefore, he asked the hon. and gallant Member who moved the Amendment to withdraw it for the present and bring it up on the Report.

MR. RODWELL said, he had given a sincere and hearty support to the principle of the Bill, and he intended to do so throughout; because he believed that would give protection to the farmer, and secure him against the injury likely to be done by the over-preservation of ground game. On the part of the tenants and landlords he did not believe that that ill-feeling and jealousy which was assumed to exist by those who were in favour of amending the Bill was likely to arise. He, for one, if he was to do this work at all, wished to do it well, and to give ungrudgingly to the farmer the power of protecting himself against the injury of which he now complained. He saw some difficulties which had not struck him at first; but if all such diffi-

Election and Return were complained of in the said Petition, was not duly elected or returned, and that his Election and Return were and are wholly null and void on the ground of bribery by Agents, and we do hereby certify in writing such our determination to you.

And whereas charges were made of corrupt practices having been committed at the said Election, we, in further pursuance of the said Acts, report as follows:—

(a.) That no corrupt practice was proved to have been committed by or with the knowledge or consent of any Candidate at such Election.

(b.) That the following persons have been proved at the trial to have been guilty of the corrupt practice of bribery:—

Edwin Hughes.  
Samuel Olds.  
Frederick Cloke.

We have given Certificates of Indemnity to Edwin Hughes and Frederick Cloke.

(c.) That there is reason to believe that corrupt practices have extensively prevailed at the Election for the Borough of Sandwich to which the said Petition relates.

Dated this 10th day of August 1880.

ROBT. LUSH.  
H. MANISTY.

And the said Certificate and Report were ordered to be entered in the Journals of this House.

### QUESTIONS.

#### MERCHANT SHIPPING ACTS—THE “MARLBOROUGH.”

MR. J. W. BARCLAY asked the President of the Board of Trade, If he will lay upon the Table of the House the Report of the Wreck Commissioner on the loss of the “Marlborough,” and the summing up of the judge who presided at the prosecution of the owner of the same vessel?

MR. CHAMBERLAIN, in reply, said, he should be very glad to lay those documents upon the Table, in order to give the House of Commons and the public an opportunity of comparing them.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

LORD EUSTACE CECIL said, as he did not see the Secretary of State for India in his place, perhaps the Home Secretary would inform the House what Business the Government intended to take on Thursday, supposing the Com-

mittee on the Hares and Rabbits Bill was not concluded at the present Sitting. The dog days were, unfortunately, not ended, and the continuation of the heat seemed to have affected the temper of the right hon. and learned Gentleman (Sir William Harcourt), and that of everybody else, if one might judge by the proceedings of Tuesday. [“Order!”]

MR. SPEAKER: The noble Lord, in asking a Question, is not entitled to make a statement.

LORD EUSTACE CECIL: Then, Sir, I shall merely ask the right hon. and learned Gentleman what Business the Government propose to proceed with to-morrow?

SIR WILLIAM HARCOURT thanked the noble Lord for the amiable and courteous way in which he had put his Question. He was unable to answer it in the absence of the responsible Leader of the House; but his noble Friend (the Marquess of Hartington) would, no doubt, reply to the Question when he came into the House.

MR. J. R. YORKE complained that the Leader of the House was not present at the beginning of Business. Hon. Members were not to be put off in this way. If they did not know what Business was to be taken from day to day, it would be impossible that their proceedings could be conducted in a decent and proper manner.

MR. GRANTHAM said, he had a Question on the Paper addressed to the noble Lord the Secretary of State for India; but, in consequence of his absence, he was unable to put it.

LORD EUSTACE CECIL: Do I understand the right hon. and learned Gentleman to say that the noble Lord the Secretary of State for India will answer the Question I have asked when he comes down to the House?

SIR WILLIAM HARCOURT: I cannot undertake to say what my noble Friend will do. I have not seen him this morning.

MR. GREGORY said, it would be a great convenience to men of business to know what course the Government intended to pursue in reference to the Bills before the House.

SIR WILLIAM HARCOURT: All I can say is that I will immediately communicate with my noble Friend upon the subject.

## ORDERS OF THE DAY.

HARES AND RABBITS BILL—[Bill 194.]

*Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.*

COMMITTEE. [*Progress 10th August.*]

Bill considered in Committee.

(In the Committee.)

Clause 1 (Occupier of land to have concurrent right to kill ground game with any other person entitled to kill the same on land in his occupation).

COLONEL RUGGLES-BRISE moved, on page 1, line 13, after "take," to leave out "ground game," and insert—

"Rabbits at all seasons of the year, and the right to kill and take hares during the months of February, March, and April."

The Amendment did not in any way interfere with the scope of the Bill.

SIR WILLIAM HARCOURT asked the hon. and gallant Gentleman if he would postpone the Amendment, so that it might be considered in conjunction with some other Amendments which were to be brought forward in relation to the same point.

COLONEL RUGGLES-BRISE was sorry that he was unable to accede to the suggestion of the right hon. and learned Gentleman; but he thought he ought not to take advantage of the opportunity that was now offered to him. The Amendment did not in any way interfere with the principle of the Bill, which, as he understood it, was to afford protection, by the best method that could be devised, to the crops of the farmers from the ravages of ground game. That was, no doubt, a useful and desirable object; but he contended that the Bill, as it stood, went far beyond that. The right hon. and learned Gentleman the Home Secretary, who had charge of the Bill, held out great hopes to the House that he would be disposed to modify the provisions of the Bill when it got into Committee, so that it would meet with much more unanimous approval than it did now. The modifications proposed by the right hon. and learned Gentleman were certainly not sufficient to make him (Colonel Ruggles-Brise) a hearty supporter of the

Bill. The Bill would still go much too far; and unless the right hon. and learned Gentleman could give some hope that he would be able to modify it still further in the same direction that he had already modified the provisions of the Bill in regard to uninclosed lands and moorlands in Scotland, it would be most objectionable. If the right hon. and learned Gentleman would hold out some little hope that he would treat the landlords of England in the same manner as he had treated the landlords in Scotland, then he should be happy to meet the views of the right hon. and learned Gentleman and postpone the Amendment, together with what he intended to say in regard to it, until a future opportunity. The right hon. and learned Gentleman had told them, over and over again, that the principle of the Bill was to protect the crops of the farmer from the ravages of ground game, but that it was not to destroy sport. But, so far as he was able to understand the Bill, not only would it protect the crops of the farmer from the ravages of ground game, but it would destroy sport as well. According to the admissions of the right hon. and learned Gentleman, that was not his intention; but whether it was his intention or not, it certainly would have that effect, and would destroy sport. If the right hon. and learned Gentleman would give an undertaking that the object he (Colonel Ruggles-Brise) had in view would be gained in any other way, it would be perfectly satisfactory. He was by no means particular in regard to the wording of the Amendment. So far as rabbits were concerned he had no objection to the principle of the clause being carried out to the fullest extent. He looked upon rabbits in the same light as rats, and he had no objection to their being killed anywhere and everywhere; but, in the interests of sport, he wanted to secure that protection should be afforded to the hare. A close time for hares had been mooted, and several Chambers of Agriculture advocated such a close time. Indeed, he believed there was a strong general feeling among Members of that House that there should be a close time for hares. [*Cries of "No!"*] He, however, agreed with what the Home Secretary said yesterday, that a close time for hares was not necessary. In the Hares Preservation Bill for Ireland

in favour of the Amendment he now proposed, and there was a reason for it. In Scotland, 19 years' leases prevailed extensively; and although it was quite true that it would be found that excellent feeling existed between landlord and tenant, it not unfrequently happened, under the 19 years' lease system, that owing to a change of tenancy, widows and persons were called upon to manage farms who could not have that relation with the landlord which generally prevailed, and, as a consequence, the Game Question provoked, in some instances, an unhappy feeling. Now, by the law which was about to be enacted power would be given to tenants, if they pleased to exercise it, to destroy hares and rabbits entirely. He, therefore, could not understand how there could be any objection to the proposal to take them entirely out of the game list. If that were done, hares and rabbits would be left in the same unprotected position as wood pigeons. Wood pigeons existed now in large numbers; although farmers had the right to destroy them, they were not destroyed. If hares and rabbits were left out of the list of game a difficulty would be got rid of—namely, that as a tenant without licence had permission to kill hares and rabbits at all seasons, a ploughman or shepherd, or any other person in the tenant's employ, would also have the power to kill a hare or rabbit without being liable to an action for poaching. The best thing to do was to strike hares and rabbits out of the game list, and the Bill would provide that if the Amendment placed upon the Paper by the hon. Member for Stroud (Mr. Brand) were adopted by the Committee. He could not understand what objection there could be to the insertion of "hares and rabbits" in lieu of the words "ground game," because at the end of the Bill there was an Interpretation Clause, which said that ground game meant hares and rabbits. He believed there were many Gentlemen who agreed with him, and in Scotland there was a very strong feeling upon the matter. It seemed to him that the proposal was one entirely favourable to the tenant, because it would give him full power to capture and destroy hares and rabbits in the same way in which he had power to destroy blackbirds or wood pigeons, which were equally destructive to his crops. He appealed to hon. Gentlemen opposite

to assist him in carrying this Amendment, which, he believed, would be the greatest service, not only to tenant farmers, but to the peace of the community.

Amendment proposed, in page line 13, to leave out the words "ground game," and insert the words "hares and rabbits."—(*Sir John Hay.*)

Question proposed, "That the Amendment proposed to be left out stand part of the Bill."—*Clause.*

SIR WILLIAM HARCOURT: I am glad that, whatever was thought of the Amendment, it would be taken as a decisive of the main question. He was not responsible for the title of the Bill "Hares and Rabbits." It was somehow or other to the measure; leaving that point, he would come to the main question, which was to take hares and rabbits out of the game list. He was very curious to ascertain the views of hon. Gentlemen opposite on the subject, because it would enable him to answer ultimately the question of the hon. Member for Mid Lincolnshire (Mr. Chaplin) as to what were his (Sir W. Harcourt's) views respecting the amendment of the Game Laws. This was really, a proposal to abolish one-half of the Game Laws; and if the Committee agreed to abolish one half he did not think it would be worth while coming for the other half. It would be instructive to the House and to the country to have an expression of opinion upon the subject from hon. Members opposite. It was a very important question that a proposal to abolish one-half of the Game Laws should come from a Conservative Member, who invited the assistance of hon. Gentlemen upon the Liberal side of the House. That should have a proposal of this kind coming from the Conservative Bench showed a great change of feeling since 1873, and an answer to the hon. Member for Mid Lincolnshire (Mr. Chaplin) perhaps, not so far off as he supposed. He could not admit that the effect of the acceptance of the Amendment would be to remedy the grievance of the farmers. The remedy was not such as the farmers wanted. The farmers would not have everybody at liberty to kill upon their farms. It was quite true that if the Amendment were adopted the landlord would be at liberty to co-

*Sir John Hay*

farmer out of the right to kill game, everybody else could come in and the game, subject only to the Law of trespass, which really amounted to nothing. Men would come from all parts of the country, and the consequence would be that the fences would be broken down by men who, in breaking them down, would only be liable to a nominal penalty. He believed that, whatever might be the arguments in favour of the Amendment, the farmers of England would not care to see it accepted. The right hon. and gallant Gentleman (Sir John Hay) asserted that he spoke for farmers of Scotland. He (Sir William Harcourt) doubted very much whether farmers in Scotland would desire to have everybody at liberty to come over their sheep farms. [SIR JOHN HAY: No,] But anybody could do that if the Amendment were adopted.

SIR JOHN HAY wished to explain that if they retained half the Game Laws they would retain the law against poaching.

SIR WILLIAM HARCOURT remarked that the right hon. and gallant Gentleman was entirely mistaken. A man going after hares and rabbits would be going after winged game at all. Every man in Scotland might go on a sheep farm with the object of pursuing mountain hare. Did hon. Gentlemen think that was what sheep farmers desired? Did they think that the farmers wanted hundreds of men with guns on top of the hills among their sheep? He did not think that was a remedy they desired, and he would not think that the farmers in England wished that hundreds of men with guns should walk over their fields. It was upon these grounds he could not accept the Amendment, besides which he remembered the experiences of other nations. When the French Rebellion was at its height, in 1793, the Game Laws were abolished, and the results were found so inconvenient that they were to be re-enacted the next year. The same thing was done in Germany in 1848. The Game Laws were abolished there, but they were obliged to be reinstated. Everybody was then at liberty to invade the land. It was found very inconvenient, and the consequence was that the whole community found that the system would not work. These were some of the reasons which induced him to oppose the Amend-

ment, however reasonable it might appear upon the face of it. He believed rabbits to be indestructible animals, and that to speak of their extinction was useless. He was quite sure, too, that so long as there was a rabbit left in the country, there would always be people setting out to see if they could find it. The proposal before the Committee was one entirely inconsistent with the principle of the Bill, and he hoped it would not be accepted.

SIR WALTER B. BARTTELOT agreed with what had been said by the Home Secretary, and regretted that his right hon. and gallant Friend (Sir John Hay) had proposed such an Amendment. He was sorry the Amendment had been introduced, because they ought not to mix up two different matters. The Bill under consideration was for the protection of the crops of the tenant farmers, and not to amend the Game Laws. If they attempted to deal with the Game Laws in a Bill of this kind, they would enter upon a question the end of which they would not see for some considerable time. He would, however, confine himself to the Amendment of the right hon. and gallant Gentleman, which was not one which commended itself to hon. Gentlemen upon that side of the House. What had they heard from the hon. Member for Northampton (Mr. Labouchere)? Why, do away with the Game Laws and the Law of Trespass as well? If they did away with the Game Laws, and had no stringent Law of Trespass, he (Sir Walter B. Barttelot) would like to know what the condition of the tenant farmers of the country would be? Why, the lands of farmers and market gardeners near large towns would be invaded by hundreds of men in search of that last rabbit of which the right hon. and learned Gentleman the Home Secretary had spoken. That this should be so would be excessively mischievous; and because he thought so he could not support the Amendment of his right hon. and gallant Friend (Sir John Hay), and he believed that if the Committee considered the question fairly they would not extend the scope of the Bill.

MR. LABOUCHERE observed, that if the whole population of the town were to invade the land of a market gardener in search of one rabbit they would soon manage to slay it, so there was no occasion for much fear on that ground. If

take. He had not had as much time as many other people for shooting, or following the sports of the field; but he could assure hon. Members that he was quite as fond of sport as any of them. The only fault he had to find was that the rabbits were sometimes too short and sharp. His experience was that sporting men were not at all afraid of seeing the farmer with a gun in his hand. Upon the estates on which he had shot the farmers always went out shooting with them, and over and over again the farmer had asked that the hares should be spared for his own sport. Then, why should they assume that if they gave the farmer these rights it would be destructive of sport, and would lead to the extermination of the hare? Such an assumption was certainly opposed to his experience. And what would be the effect on the hired shooting if they excluded the farmer from the right of shooting upon highly cultivated ground? During nine months of the year the farmer would have no power of protecting his crops against the depredations of ground game. It therefore seemed to him, considering the matter from this point of view, that the proposal of the hon. and gallant Member would be positively adverse to the declared object of the Bill.

MR. CHAPLIN must admit that there was some reason in what his right hon. and learned Friend said in regard to market gardening; and if it was ever the case that the operations of farming were to be considerably changed, and market gardening was to prevail all over the country, which, however, he did not for a moment believe would ever be the case, then he thought the objections of the right hon. and learned Gentleman to the Amendment would be very reasonable indeed. But he could not entertain the idea that market gardening would prevail except in comparatively exceptional instances. Therefore, he thought that, as far as market gardening was concerned, the Bill ought to be made to apply specially to those who conducted that business; and that it was rather hard to enact what must be embarrassing distinctions all over the country in order to meet cases, which must be quite exceptional, where market gardening prevailed, as far as he had any knowledge of the subject.

*Sir William Harcourt*

He wished to point out that it was not the hares that did damage to the crops. Rabbits did an immense deal of harm, and he should be glad to see them made vermin forthwith. By so doing they would do an immense and substantial benefit to the tenant. The right hon. and learned Gentleman had spoken of estates with which he was acquainted. Now, he knew for a fact that his right hon. and learned Friend had visited an estate in the county in which he (Mr. Chaplin) resided, and which bordered on his own estate; and he should like to ask his right hon. and learned Friend, using the argument as a proof of the little damage done by hares, whether, in the whole course of his experience, he had ever seen an estate in any part of England where there were more magnificent crops every year? He would not venture to name the estate. It was unnecessary that he should do so; but he dare say that the right hon. and learned Gentleman was well aware of the estate to which he alluded, and he would ask him to say, with candour, whether the statement he (Mr. Chaplin) made was not entirely accurate and true? And if it was the case, his contention was borne out to the letter, and there could be no objection to the Amendment of his hon. and gallant Friend. The right hon. and learned Gentleman said it was the practice on the estate, he thought, of Lord Leicester, to kill the hares during the harvest; but he did not understand how that was to be done. [SIR WILLIAM HARCOURT: During the time the corn is cut.] That was a very different thing from killing the hares during the harvest. It was said that they did not want to interfere with the partridge shooting in September and October. One material matter was that when the partridges were breeding was the time they were going to give the farmer the right of employing his servants and agents to kill and shoot as much as they pleased. He would ask the right hon. and learned Gentleman whether the successful preservation and breeding of partridges were compatible with such a proceeding?

MR. BRAND remarked, that as the principle of the Bill had been accepted there was one thing which the Committee ought to do, and that was not to impose any onerous restrictions upon the farmers. The Bill sought to give pro-

senses—none but a positive fool—old contract with his tenant not to game that was liable to be killed by anyone else. If the Amendment was passed, it would be the object of the landlord to keep down the hares and rabbits. The other objection was that trespassers would be encouraged. No doubt, some people thought that would be the effect of the clause, as amended; what was the law at the present time? It was, that if a man came over a field with a gun and dog they could apprehend him under the Day Poaching Act, if he gave his name; they could only summon him, and if he refused he was in search of wild fowl they could not touch him. He did not know whether the Committee was aware of it; under the Day Poaching Act wild fowl were not protected in any way—game fowl and duck, and even wood pigeons, which had been noticed by the hon. and gallant Member (Sir John Hay). If a man was summoned for an offence under the Day Poaching Act, he might say,—"Oh, I am not after game, I am after wild duck;" and, at any rate, they could not be able to prove him guilty, unless they got a conviction, until they could prove that he was after game and not wild fowl. Therefore, if hares and rabbits were struck out of the Game List, and game could be destroyed and kept down within limited numbers, or cleared out of the country altogether, they need not fear the trespassers, as they would have exactly the same means of dealing with them as they had now—they would still have the same means, in fact, the only means of catching them. He was not alluding to the right to trespassers, because public opinion, he thought, would sanction a law to deal with them. With regard to day poaching, they would be able to deal with it just as they were at present. The present trespass law gave sufficient protection if it were put in force. COLONEL KINGSCOTE said, the hon. and gallant Member who moved the Amendment might speak for Scotch farmers; but he (Colonel Kingscote) might he knew something of the English farmers. He had no hesitation in saying that not one in a hundred or one in a thousand would support it. Facts, he thought, were better than any theories that might be produced. At the beginning of the present year a small property—a little over 2,000 acres—were left to a friend of

his in Yorkshire. The right of shooting game had been paid for to the late owner. The new proprietor thought he would do the tenants on the estate a favour, so he told the agent that he would give up the sum of money obtained by letting the shooting and get rid of the gamekeeper. The tenants, he said, could have the game. The agent said he would speak to them, and let him know the result. The reply the tenants at first gave was—"We are very much obliged, we would like to have it;" but the moment they knew the gamekeeper was going to be taken away, not one of them would have the game. They said, "Let us keep the gamekeeper. If he goes we shall be over-run with trespassers—we shall be trespassed on in the morning, noon, and night. We would rather go on as we are than have the chance of being trespassed upon." That was the opinion of ninety-nine out of a hundred of the farmers of England. He did not wish to delay the Bill by entering into a discussion as to the Game Laws; but unless they had a more stringent law of trespass than they had at present, if they took hares and rabbits out of the Game Laws the occupiers of England would not support them.

MR. NEWDEGATE wished to call the attention of the Committee to this—that if they passed a sweeping clause, which would have the effect of destroying all the ground game throughout wide districts of this country, all the game would be destroyed. Some hon. Members might be astonished to hear it; but farmers would lose the protection of the Game Laws. And in populous districts it was a well-recognized fact that where game was preserved it was a protection against trespass; and if none were preserved the police would have to be increased, and the trespass law would have to be made more stringent. The result of this would be that they would have complaints from the ratepayers, and there would be grave discontent amongst the masses of the people, who would find their access to the country, and their means of enjoyment, very much restricted.

MR. DUCKHAM said, the hon. Member for Northampton (Mr. Labouchere) had said that the Committee should look with very great suspicion upon any Amendment coming from the Conservative side of the House. He (Mr. Duck-



culties were to be dealt with and provided for in the Bill, he was afraid that what they were professing to give to the tenant farmer would be worthless to him when he got it. He frankly admitted that when he first looked at the Bill he thought it possible that some close time might be provided, for that would be fair to all parties. But when he canvassed the views of hon. Friends of his, both on that and on the other side of the House, with regard to the period which such close time should involve, he found such a difference of opinion to exist that he came to the conclusion that it would be impossible to satisfy everybody in regard to the months which should be selected for close time. In one part it would be the interest and necessity of the farmer to kill in one month, while in another part of England an entirely different month would be selected. It would, in point of fact, depend upon the nature of the crops and the state of the farm. Therefore, it was impracticable to say that they should kill either in three months of the spring of the year or in three months in the autumn. By establishing any fixed time they would materially interfere with the right they were desirous to confer on the farmer of protecting his crops from the ravages of ground game. His hon. and gallant Friend the Member for East Essex (Colonel Ruggles-Brise) claimed to speak on behalf of the tenant farmers. If the Bill passed, the tenant farmers of England would have the law in their own hands—they were not bound to enforce it. If they liked to preserve ground game they would be able to do so on the land in their own occupation, and he was at a loss to know how the measure would operate prejudicially to their interests. If they wished to destroy hares and rabbits they would be able to do so; and whether they were to have ground game on their occupations or not would be a question that would be practically under their own control. There was a great deal of truth in what had been stated by his hon. and gallant Friend with regard to hares and rabbits. The damage done by rabbits was far more extensive than that done by hares. At any rate, if it was not greater it was much more irritating, because one did not see the damage done by hares so much as by rabbits. Rabbits did not go far for their food; but hares often sought it

a mile or a mile and a half away. The same reasons which influenced his hon. and gallant Friend to support the Bill influenced him to vote against the present Amendment. He would hesitate much before he assented to any close time at all—he regarded it as impossible. They must look at the Bill as one for the destruction of game, and as one having nothing to do with sporting rights on the part of the tenant. He did not agree with those hon. Gentlemen who asserted that the Bill would give sporting rights. It was introduced with the intention of preserving the agricultural produce of the country, and he wished to see that carried out perfectly. He knew his game-preserving friends did not agree with him; but he, nevertheless, honestly and conscientiously believing that this Amendment would interfere with the proper operation of the Bill, could not support it.

Mr. HICKS disapproved of the Amendment. He considered the limitation was much too great; but he agreed with the remarks which fell from his hon. and gallant Friend (Colonel Ruggles-Brise) as to the inexpediency of two parties trying to enjoy sporting at the same time. It was upon the understanding that this was a Bill for the purpose of protecting the crops of the farmer that he did not oppose the second reading. To protect the crops he would stand as firm as anybody in the House; but in such protection he did not wish to interfere with the enjoyment or sport of other people. No one acquainted with sport or country life would suppose that legged game increased during the autumn or winter months; and if the farmer on the 1st of January considered that he had got more game on his farm than he ought to have, surely he could keep it down between that date and the 1st of September. Then, when the 1st of September came, the legged game having been kept down, surely it was but reasonable that the owner of the sporting right, who was not supposed to be interfered with by this Bill, should at least have the privilege of going upon the land to pursue the winged game without interruption. If it should happen that the owner were to enter a field at one gate, and the farmer or his agent by another, partridge shooting must stop; and therefore it was that he ventured to suggest to the Committee that they ought

I did not decide that for an hon. member to move to report Progress in order to put a general Question was regular?

THE CHAIRMAN: What I pointed out was that in the whole history of Committees, so far as I have been able to ascertain—and I am supported by a right hon. Gentleman who was in the chair for many years—there never was a case of this kind before. I would not, therefore, say that the noble Lord should not move to report Progress; but I have pointed out to him that such a course would be irregular.

MR. BRODRICK said, that after what had taken place he did not propose to move his Amendment, which was similar to one already disposed of.

Amendment, by leave, *withdrawn*.

SIR WILLIAM HARCOURT said, he would draw the attention of the Committee to the Proviso which he proposed to add to the clause. It was—

Provided, That the right conferred on the occupier by this section shall be subject to the following limitations:—

(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing;

(a.) No person shall be authorised by the occupier to kill or take ground game except members of his household habitually resident on the land in his occupation, persons in his ordinary service on such land, and any one other person *bonâ fide* employed by him for reward in the taking and destruction of ground game;

(b.) Notice of any authority given by an occupier to kill any ground game shall be served on any other person or persons entitled to kill and take any description of game on such land, and on the collector of Inland Revenue for the district in which the land is situate;

(c.) The notice shall state the name and address of the person to whom the authority is given, and shall, in the case of the collector of Inland Revenue, be served by delivery at his office, or by being sent in a prepaid letter addressed to him at his office, and in the case of any other person shall be served by delivery to such person personally, or by being sent in a prepaid letter addressed to him at his last known place of residence;

(d.) If the name or address of any person other than the collector of Inland Revenue, on whom notice is required to be served under this section is unknown to the person required to serve the same, this provision shall be satisfied by the person

required to serve the notice delivering the same to the person entitled to receive such notice on the application of such last-mentioned person;

(e.) A person shall not be deemed to be duly authorised by an occupier to kill ground game under this section unless notice have been duly served in compliance with this section:

(2.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands; or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses for less than nine months;

(3.) The occupier shall not, nor shall any person authorised by him, use any firearms for the purpose of killing ground game except between the last hour before sunrise and the first hour after sunset; and neither such occupier, nor any person authorised by him, shall employ spring traps above ground for the purpose of killing ground game:

(4.) In the case of moorlands, uncultivated lands, and uninclosed lands (not being arable lands), the occupier and the persons authorised by him shall exercise the rights conferred by this section only from the eleventh day of December until the thirty-first day of March in each year, both inclusive."

Hon. Members would see that, as the Bill now stood, the right was declared in a general way. They had occupiers "not otherwise entitled to kill and take ground game." This Proviso he proposed to move in sections, and he would move the first part—namely, to strike out from "but only," in line 13, and insert—

"Provided, That the right conferred on the occupier by this section shall be subject to the following limitations:—(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing."

EARL PERCY: I move to report Progress.

THE CHAIRMAN: The Question is that I report Progress, and ask leave to sit again.

LORD EUSTACE CECIL: I believe that as some one else has moved to report Progress I may speak upon a general question. I do so with great reluctance, as I do not wish to impede the Business of the House. I do think it quite fair that I should get an answer to the Question I put at the beginning of the Sitting. I should not have renewed the Question now, and I should not have spoken, as I am speaking, if I had not understood that it would be greatly to the convenience of a great

in favour of the Amendment he now proposed, and there was a reason for it. In Scotland, 19 years' leases prevailed extensively; and although it was quite true that it would be found that excellent feeling existed between landlord and tenant, it not unfrequently happened, under the 19 years' lease system, that owing to a change of tenancy, widows and persons were called upon to manage farms who could not have that relation with the landlord which generally prevailed, and, as a consequence, the Game Question provoked, in some instances, an unhappy feeling. Now, by the law which was about to be enacted power would be given to tenants, if they pleased to exercise it, to destroy hares and rabbits entirely. He, therefore, could not understand how there could be any objection to the proposal to take them entirely out of the game list. If that were done, hares and rabbits would be left in the same unprotected position as wood pigeons. Wood pigeons existed now in large numbers; although farmers had the right to destroy them, they were not destroyed. If hares and rabbits were left out of the list of game a difficulty would be got rid of—namely, that as a tenant without licence had permission to kill hares and rabbits at all seasons, a ploughman or shepherd, or any other person in the tenant's employ, would also have the power to kill a hare or rabbit without being liable to an action for poaching. The best thing to do was to strike hares and rabbits out of the game list, and the Bill would provide that if the Amendment placed upon the Paper by the hon. Member for Stroud (Mr. Brand) were adopted by the Committee. He could not understand what objection there could be to the insertion of "hares and rabbits" in lieu of the words "ground game," because at the end of the Bill there was an Interpretation Clause, which said that ground game meant hares and rabbits. He believed there were many Gentlemen who agreed with him, and in Scotland there was a very strong feeling upon the matter. It seemed to him that the proposal was one entirely favourable to the tenant, because it would give him full power to capture and destroy hares and rabbits in the same way in which he had power to destroy blackbirds or wood pigeons, which were equally destructive to his crops. He appealed to hon. Gentlemen opposite

to assist him in carrying this Amendment, which, he believed, would be of the greatest service, not only to the tenant farmers, but to the peace of the community.

Amendment proposed, in page 1, line 13, to leave out the words "ground game," and insert the words "hares and rabbits."—(*Sir John Hay.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR WILLIAM HARCOURT hoped that, whatever was thought of the Amendment, it would be taken as decisive of the main question. He was not responsible for the title of the Bill—"Hares and Rabbits." It was given somehow or other to the measure; but, leaving that point, he would come to the main question, which was to take hares and rabbits out of the game list. He was very curious to ascertain the feelings of hon. Gentlemen opposite upon the subject, because it would enable him to answer ultimately the question of the hon. Member for Mid Lincolnshire (Mr. Chaplin) as to what were his (Sir William Harcourt's) views respecting the abolition of the Game Laws. This was, in reality, a proposal to abolish one-half of the Game Laws; and if the Committee agreed to abolish one half he did not think it would be worth while contending for the other half. It would be very instructive to the House and to the country to have an expression of opinion upon the subject from hon. Members opposite. It was a very important fact that a proposal to abolish one-half of the Game Laws should come from a Conservative Member, who invited the assistance of hon. Gentlemen upon the Liberal side of the House. That they should have a proposal of this kind coming from the Conservative Benches showed a great change of feeling since 1873, and an answer to the hon. Member for Mid Lincolnshire (Mr. Chaplin) was, perhaps, not so far off as he supposed. He could not admit that the effect of the acceptance of the Amendment would be to remedy the grievance of the farmer. The remedy was not such as the farmer wanted. The farmers would not like to have everybody at liberty to kill game upon their farms. It was quite plain that if the Amendment were adopted the landlord would be at liberty to contract

*Sir John Hay*

a farmer out of the right to kill game, but everybody else could come in and take game, subject only to the Law of Trespass, which really amounted to nothing. Men would come from all parts of the country, and the consequence would be that the fences would be broken down by men who, in breaking them down, would only be liable to a nominal penalty. He believed that, whatever might be the arguments in favour of the Amendment, the farmers of England would not care to see it accepted. The right hon. and gallant Gentleman (Sir John Hay) asserted that he spoke for the farmers of Scotland. He (Sir William Harcourt) doubted very much whether the farmers in Scotland would desire to have everybody at liberty to come over their sheep farms. [SIR JOHN HAY: No, no.] But anybody could do that if the Amendment were adopted.

SIR JOHN HAY wished to explain that if they retained half the Game Laws they would retain the law against trespass.

SIR WILLIAM HARCOURT remarked that the right hon. and gallant Gentleman was entirely mistaken. A man going after hares and rabbits would not be going after winged game at all. Every man in Scotland might go on a sheep farm with the object of pursuing a mountain hare. Did hon. Gentlemen think that was what sheep farmers desired? Did they think that the farmers wanted hundreds of men with guns on the top of the hills among their sheep? He did not think that was a remedy they desired, and he would not think that the farmers in England wished that hundreds of men with guns should walk over their fields. It was upon these grounds he could not accept the Amendment, besides which he remembered the experiences of other nations. When the French Rebellion was at its height, in 1793, the Game Laws were abolished, and the results were found so inconvenient that they were to be re-enacted the next year. The same thing was done in Germany in 1848. The Game Laws were abolished there, but they were obliged to be reinstated. Everybody was then at liberty to invade the land. It was found very inconvenient, and the consequence was that the whole community found that the system would not work. These were some of the reasons which induced him to oppose the Amend-

ment, however reasonable it might appear upon the face of it. He believed rabbits to be indestructible animals, and that to speak of their extinction was useless. He was quite sure, too, that so long as there was a rabbit left in the country, there would always be people setting out to see if they could find it. The proposal before the Committee was one entirely inconsistent with the principle of the Bill, and he hoped it would not be accepted.

SIR WALTER B. BARTTELOT agreed with what had been said by the Home Secretary, and regretted that his right hon. and gallant Friend (Sir John Hay) had proposed such an Amendment. He was sorry the Amendment had been introduced, because they ought not to mix up two different matters. The Bill under consideration was for the protection of the crops of the tenant farmers, and not to amend the Game Laws. If they attempted to deal with the Game Laws in a Bill of this kind, they would enter upon a question the end of which they would not see for some considerable time. He would, however, confine himself to the Amendment of the right hon. and gallant Gentleman, which was not one which commended itself to hon. Gentlemen upon that side of the House. What had they heard from the hon. Member for Northampton (Mr. Labouchere)? Why, do away with the Game Laws and the Law of Trespass as well? If they did away with the Game Laws, and had no stringent Law of Trespass, he (Sir Walter B. Barttelot) would like to know what the condition of the tenant farmers of the country would be? Why, the lands of farmers and market gardeners near large towns would be invaded by hundreds of men in search of that last rabbit of which the right hon. and learned Gentleman the Home Secretary had spoken. That this should be so would be excessively mischievous; and because he thought so he could not support the Amendment of his right hon. and gallant Friend (Sir John Hay), and he believed that if the Committee considered the question fairly they would not extend the scope of the Bill.

MR. LABOUCHERE observed, that if the whole population of the town were to invade the land of a market gardener in search of one rabbit they would soon manage to slay it, so there was no occasion for much fear on that ground. If

the land were invaded, as it had been suggested it would be, the game would be cleared out, as it ought to be in the neighbourhood of any town. He was glad to see that some good could come from the Opposition, and he congratulated the right hon. and gallant Gentleman (Sir John Hay) for having introduced the Amendment. The same reasons which had prompted the Home Secretary to oppose the proposal prompted him to give it his cordial support. He believed that one consequence of the Amendment would be that the pheasant and partridge, like the hare and rabbit, would cease to be game. If the right hon. and gallant Gentleman divided the Committee, as he trusted he would, he should certainly vote with him.

SIR EDWARD COLEBROOKE said, that his fear with regard to the working of the Bill was not that it would lead to an exercise of any power which was placed in the hands of the tenant unduly or injuriously to the shooting proprietor, but that there would, on the contrary, be an unwillingness on the part of the tenant to press his claims, or make use of his power. If his fears were realized the Bill would become more or less a dead letter. He did not share the apprehension that the Bill would interfere with winged game. They were now dealing with a matter between landlord and tenant. Eventually, they would have to deal with the shooting tenant, and in doing so they would have to be firm. Looking forward to such a prospect they ought to keep in view the possibility of having to deal with the question much more stringently than they were now doing. It was not in the pecuniary interest of the farmers, but in the interest of the community generally. Though the farmer would have some hesitation in exercising his power, the poacher would not, and proprietors would be bound, in self-defence, to keep down the ground game, which was now so dangerous and injurious to the morals of the community. He, for one, did not share the apprehension that this Amendment would interfere with winged game; because he did not think anyone who had had any experience of the administration of justice would feel the slightest hesitation in dealing with a case in which a man was brought before him charged with shooting winged game. A man

might say—"I was only in search of hares and rabbits;" but the fact that he was on good ground—on ground where winged game was preserved—would go against him at once. He should certainly give his support to the Amendment, if it were pressed to a division.

MR. BROMLEY-DAVENPORT said, he only wished to say one word in reply to the hon. Member who had just spoken. He certainly could not see the difference in the bad moral effect of preserving ground game, and the bad moral effect of a baker's or a jeweller's shop. Hares and rabbits should not have a bad effect on the people. He did not see any difference between this and the cases he had mentioned; and he merely wished to say that he hoped no such sensational idea as that put forward by the hon. Member would be considered by the Committee.

MR. BRAND said, as this Amendment was really his child he wished to say a word or two with regard to it. If the right hon. and gallant Member would abstain from dividing the Committee on it he would act wisely, his (Mr. Brand's) only motive for not moving it himself on this clause being one of expediency. When the right hon. and learned Gentleman who had charge of the Bill spoke, on going into Committee, he declared that this Amendment was hostile to the principle of the Bill, and the consequence was that a number of hon. Members, whom he (Mr. Brand) knew were in favour of the principle of the Amendment, would not vote for it, because they did not wish to give a hostile vote to the Bill. The right hon. and learned Gentleman had, therefore, been wise in making that remark. The hon. and gallant Gentleman opposite (Sir Walter B. Barttelot) seemed to have misconceived the effect of the Amendment. What the right hon. and learned Gentleman had said was perfectly true, that, if carried, it would do away with the protection of the Game Laws. But there was no doubt of this—that if it were carried it would remove a grievance under which the farmers were suffering. There were two objections stated by the right hon. and learned Gentleman just now. In the first place, he said the tenant would be the only person not able to kill these animals, hares and rabbits; but he (Mr. Brand) did not recognise any force in that objection, because no landlord in

quire to have their names recorded. He did not think that was the intention of the Government; but that was the language of the provision. The persons authorized must all have been named and recorded by the Office of Inland Revenue. He did not think that was the intention of the right hon. and learned Gentleman; but that was the meaning of his language. Then, again, under the clause, he did not see what provision there was for putting its provisions into force. He did not see that any penalty attached, nor was it stated how the provisions as to the Inland Revenue were to be put into operation. Those were matters which ought to be debated before this clause was discussed.

Mr. E. STANHOPE had wished to express his gratitude to the right hon. and learned Gentleman, for, after looking at the various Amendments put upon the Paper, it seemed to him he had given a fair consideration to them, and had adopted a good many of them. But now the right hon. and learned Gentleman undid what he had done, because he told them he had only thrown these amendments down for discussion, and the Committee did not accept them he did not care about them a bit himself, and would withdraw them. He (Mr. E. Stanhope) raised this question at that early stage because he thought it desirable, before they got through any part of the clause, that they should arrive at a definite understanding upon this important point. He agreed, to a very large extent, with the arguments used by the right hon. and learned Gentleman; and if it were a mere question of killing ground game by trapping, poisoning, or such ways, then a very good deal could be said for the point put by him. It was very possible it might require more than one person; but when they included in it also the means of killing ground game by a gun, they were placed in this difficulty—that the power of using the gun by any person other than the occupier was certainly not wanted for the protection of the crops of the tenant. It was perfectly clear that the tenant and no other person could kill all the ground game necessary. Nor was this provision wanted for the purpose of the sport of the tenant, because, if he might himself shoot, and one other person authorized by him might also shoot,

then they had done quite as much for the benefit of his sport as it was reasonable to ask. But if they gave power, as proposed in the Amendment, to the occupier to make all the members of his family, everybody employed by him, and one other person besides, eligible to use a gun and go shooting over a farm, it was quite clear they would have done the utmost they possibly could to destroy all sport whatever upon the farm. That was the conclusion to which they must come. He thought, before they went further, they might arrive at some proper distinction to be drawn between those cases. He desired, for one, particularly as they had assented to the Preamble of the Bill, to give protection to the crops of the tenant. Could not they arrive at some *modus vivendi*, and draw a distinction between cases where they did require more than one person to be authorized and cases where they did not? For the sake of raising this discussion he would propose his Amendment.

Amendment proposed to proposed Amendment, in line 4, to leave out the word "persons," in order to insert the words "one person."—(Mr. E. Stanhope.)

SIR WALTER B. BARTELOT said, he quite agreed with the hon. Gentleman, and he himself had an Amendment for the same purpose. He could not conceive that the right hon. and learned Gentleman intended that not merely the tenant himself, but that all his family and every labourer upon the farm, should be able to carry a gun and to use it in the destruction of ground game. That was a proposition which hon. Gentlemen opposite, when they considered it carefully, would surely acknowledge was neither wise nor safe. He did not for a moment say that the tenant should not have some sport. He always liked to see his tenants out shooting with him; but it would be a grave error to admit anybody to kill hares and rabbits in the way proposed by the Bill. This was not a measure to give sporting rights to tenants, but merely one to protect their crops from damage. If it was intended to keep the Bill within those limits, then they had no right to ask for such a provision as this, and it was a gross act of injustice to suggest it. He maintained that there was no tenant farmer in the

ham) begged to say that he looked with a great deal of suspicion at any Amendment from either side of the House. The Bill was one of the most popular amongst the tenant farmers ever brought into the House. Few could speak on this point with more confidence than himself, and he was surprised to find the tenant farmer of England held up as something of a spectre. At every step it was feared that they would do some injury to some landlord or other. To his mind, the fewer Amendments that were introduced into the Bill the better. Who found the capital to stock the land? Who had a right to the produce of the land, for which they paid rent and taxes, if they were not the farmers? The tenant farmers of England should be free in every respect to meet the excessive competition with which they had to contend. He felt that the less they interfered with the Bill, as it was originally introduced to the House, the better. He did hope it would not be made—as the Home Secretary said it would be if certain Amendments were accepted—a mere sham.

Question put.

The Committee *divided*:—Ayes 206; Noes 7: Majority 199.—(Div. List, No. 106.)

LORD EUSTACE CECIL: Before you proceed to any other Business, Sir, perhaps I may be allowed to renew the Question I put at the commencement of the Sitting, and which I was asked to postpone until the Secretary of State for India (The Marquess of Hartington) was in his place. To put myself in Order, I would move to report Progress.

THE CHAIRMAN: I must point out to the noble Lord that in Committee this is extremely irregular, and that the proper time to put the Question would be after the Business we are now engaged on. It is quite irregular in Committee on a Bill to put a Question as to general Business.

LORD EUSTACE CECIL: I feel bound to put the Question, because I had an engagement from—"Order, order!"—I am perfectly in Order. ["Order, order!"]

THE CHAIRMAN: I understand the noble Lord intends to move to report Progress, for the purpose of obtaining

knowledge in regard to the general Business of the House; but I drew his attention to the fact that, in doing so, he is doing an irregular act. This course is never taken during the work of Committee; but, having said that, if the noble Lord persists in moving to report Progress, I must say he does so on his own responsibility.

LORD EUSTACE CECIL: Of course, Sir, I bow to your decision. I did not wish in any way to impede the Business. If I am allowed to ask the Question, I do not intend to do anything irregular. I do not wish you to report Progress. All I desire is that I may put the Question I referred to at the commencement of the Sitting.

THE CHAIRMAN: That can only be done by a Motion to report Progress, which, I say, is irregular. But, of course, if the noble Lord moves to report Progress, he will have that latitude which is generally given to a Motion of this kind. I have, however, thought it my duty to protest, so as to prevent this irregular course being quoted as a precedent.

THE MARQUESS OF HARTINGTON: I will make a statement before we adjourn.

MR. HENEAGE said, he had an Amendment—

In page 1, line 13, after "thereon," to insert "by gun or ferretting between the hours of sunrise and sunset, or by means of traps set underground."

He had ventured to throw out several suggestions which he thought would be an improvement in the Bill, without being hostile to it. They had been taken into consideration, and he had been fairly and reasonably met by the Home Secretary. Under these circumstances, he would not delay the time of the Committee by moving the Amendment.

Amendment, by leave, *withdrawn*.

EARL PERCY: I rise to Order. The noble Lord on the front Opposition Bench has moved to report Progress. ["No, no!"] Certainly he has done so, or, at any rate, I am under that impression.

THE CHAIRMAN: The noble Lord has not moved to report Progress.

MR. ARTHUR O'CONNOR: On the point of Order I would ask you, Sir, for my own information and that of hon. Members sitting near me, to say whether

Mr. Duckham

you did not decide that for an hon. Member to move to report Progress in order to put a general Question was irregular?

**THE CHAIRMAN:** What I pointed out was that in the whole history of Committees, so far as I have been able to ascertain—and I am supported by a right hon. Gentleman who was in the Chair for many years—there never was a case of this kind before. I would not, therefore, say that the noble Lord cannot move to report Progress; but I have pointed out to him that such a course would be irregular.

**MR. BRODRICK** said, that after what had taken place he did not propose to move his Amendment, which was similar to one already disposed of.

Amendment, by leave, *withdrawn*.

**SIR WILLIAM HARCOURT** said, he would draw the attention of the Committee to the Proviso which he proposed to add to the clause. It was—

“Provided, That the right conferred on the occupier by this section shall be subject to the following limitations:—

(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing;

(a.) No person shall be authorised by the occupier to kill or take ground game except members of his household habitually resident on the land in his occupation, persons in his ordinary service on such land, and any one other person bona fide employed by him for reward in the taking and destruction of ground game;

(b.) Notice of any authority given by an occupier to kill any ground game shall be served on any other person or persons entitled to kill and take any description of game on such land, and on the collector of Inland Revenue for the district in which the land is situate;

(c.) The notice shall state the name and address of the person to whom the authority is given, and shall, in the case of the collector of Inland Revenue, be served by delivery at his office, or by being sent in a prepaid letter addressed to him at his office, and in the case of any other person shall be served by delivery to such person personally, or by being sent in a prepaid letter addressed to him at his last known place of residence;

(d.) If the name or address of any person other than the collector of Inland Revenue, on whom notice is required to be served under this section is unknown to the person required to serve the same, this provision shall be satisfied by the person

required to serve the notice delivering the same to the person entitled to receive such notice on the application of such last-mentioned person;

(e.) A person shall not be deemed to be duly authorised by an occupier to kill ground game under this section unless notice have been duly served in compliance with this section:

(2.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands; or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses for less than nine months:

(3.) The occupier shall not, nor shall any person authorised by him, use any firearms for the purpose of killing ground game except between the last hour before sunrise and the first hour after sunset; and neither such occupier, nor any person authorised by him, shall employ spring traps above ground for the purpose of killing ground game:

(4.) In the case of moorlands, uncultivated lands, and uninclosed lands (not being arable lands), the occupier and the persons authorised by him shall exercise the rights conferred by this section only from the eleventh day of December until the thirty-first day of March in each year, both inclusive.”

**Hon. Members** would see that, as the Bill now stood, the right was declared in a general way. They had occupiers “not otherwise entitled to kill and take ground game.” This Proviso he proposed to move in sections, and he would move the first part—namely, to strike out from “but only,” in line 13, and insert—

“Provided, That the right conferred on the occupier by this section shall be subject to the following limitations:—(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing.”

**EARL PERCY:** I move to report Progress.

**THE CHAIRMAN:** The Question is that I report Progress, and ask leave to sit again.

**LORD EUSTACE CECIL:** I believe that as some one else has moved to report Progress I may speak upon a general question. I do so with great reluctance, as I do not wish to impede the Business of the House. I do think it quite fair that I should get an answer to the Question I put at the beginning of the Sitting. I should not have renewed the Question now, and I should not have spoken, as I am speaking, if I had not understood that it would be greatly to the convenience of a great



many hon. Members who are here to-day, who wish to get back to their engagements and special occupations by an early train. I am bound to say that I have just received a private statement from the Treasury Bench which, of course, I am not in a position to read, to the effect that a certain statement would be made on the question of Public Business. Well, I can only say that if any Minister of the Crown will get up and make that statement it will be an immense benefit to hon. Members. I do not wish to be at all obstructive. I am the very last person who wishes to obstruct, and, without presumption, I may claim for myself the character of being one of the least obstructive Members of the House. I hardly ever trouble the House, and when I do I hope I trouble it to some purpose. An hon. Relative of mine, who is interested in another Bill, does not know when that measure is coming on; and, in consequence of the state of uncertainty we have been left in by the Treasury Bench, we really do not know whether we shall have to sit here until 6 in the evening, when all the convenient trains have gone, or whether we can go away. However irregular this proceeding may be, it is justified by the circumstances of the case. I do ask some Minister of the Crown—either the noble Lord the Secretary of State for India or the right hon. and learned Gentleman the Home Secretary—to get up and say a few words as to the Business of the House.

**THE MARQUESS OF HARTINGTON:** I am very glad that you, Sir, have laid down so distinctly the irregularity of the present proceeding. Although, on this occasion, it may be convenient that a short answer should be given to the Question of the noble Lord (Lord Eustace Cecil), I do trust that, on future occasions, the Committee will bow to the ruling of the Chair, and will not permit the irregularity to be repeated of interposing a general discussion on Public Business in the middle of the discussion of a measure in Committee. I regret extremely that it was not in my power to be present at the Sitting this morning. I am sure the Committee will understand that Ministers of the Crown have business at their Offices sometimes which imperatively demands their presence, and renders it impossible for them to be in the House. I understand that the

noble Lord wishes to know what will be the course of Public Business after to-day. The statement that I made on Monday with reference to the course of Business was, of course, and must have been, contingent upon the progress of Business, and I am sorry that I did not state it more distinctly and make myself understood on that point. It is, however, impossible for any statement with regard to the order of Business to be made on behalf of the Government at the beginning of the week, except with an implied reservation. Well, Sir, nevertheless, after consulting with my Colleagues, I have to state that, although it may not be possible to finish the Committee on this Bill to-day, it will be for the convenience of the House that we should adhere, as far as we can, to the programme of Business I mentioned on Monday. We shall take the second reading of the Burials Bill to-morrow, and I hope we shall be able to proceed with the consideration of the Amendments on the Employers' Liability Bill on Friday morning. That is the extent of the information I feel myself justified in giving after the course that has been pursued by the noble Lord opposite.

**MR. E. STANHOPE:** Will the Indian Budget be taken on Tuesday?

**THE MARQUESS OF HARTINGTON:** So far as I know it will be; but, after my experience of giving information to the House, I cannot pledge myself.

**EARL PERCY,** in withdrawing his Motion, begged to say a word in excuse for it. He quite admitted that it was not usually desirable to make such a Motion. ["Hear, hear!"] Well, that might be; but if he had not moved it, the House would have got no statement from the noble Lord.

**MR. J. W. BARCLAY** said, before the Motion was withdrawn, he must express his regret that the noble Lord had given way to this irregularity, which would be followed by unfortunate circumstances. After his statement, he was afraid that the Hares and Rabbits Bill was to be thrown over until the end of the Session. The policy, therefore, of hon. Gentlemen opposite would be partly successful, if not altogether so. He must protest against the step the Government had taken. He said nothing on the second reading, in order not to delay the Bill; and he must express his disappointment that the Government

had played into the hands of hon. Gentlemen opposite, and given them an opportunity for defeating this Bill.

MR. BIGGAR said, he was perfectly delighted with the whole business. It was evident that there was great opposition to this Bill. He believed he might have added, on the part of a large number of Members on his own side. From what he had heard, he did not think that this was an urgent question. If the Government wished to introduce an exhaustive Bill dealing properly with the Game Laws, they would be justified in doing so; but, in a short Session like the present, he thought their time was wasted in bringing in a Bill for which there was not the least urgency. He understood, as did the hon. Member for Forfarshire (Mr. J. W. Barclay), that the position of the Government was that the Bill should not be proceeded with, further, except this afternoon, until next Session; and, in the meantime, the Government would have time to mature a good Bill on the subject of the Game Laws. And he hoped that, in February next, they would have the advantage of the examination which the Government would give to the question during the Recess, in a Bill dealing with the whole subject, not with only the small branch of it.

SIR WILLIAM HARCOURT just wished to say, in answer to the hon. Members (Mr. J. W. Barclay and Mr. Biggar), that the Government had given their answer to the Question as a matter of courtesy to the House. He regretted, as much as anybody, that the noble Lord the Member for Northumberland (Earl Percy) should introduce this question. This Motion was really a new instrument for Obstruction; but he could assure his hon. Friend the Member for Forfarshire and his hon. Friend the Member for Cavan that the Government had every intention of proceeding with the Bill; and, notwithstanding the argument they had made, and the equal importance they attached to the Burials Bill, and the Employers' Liability Bill, and this Bill, they would equally be regularly proceeded with.

THE CHAIRMAN: Before the discussion goes further, I must draw the attention of the Committee to the fact that the Chairman of Committees has not the functions of Mr. Speaker, and that general discussion before the Chair-

man is quite inappropriate. His functions are limited to the duties assigned to him in Committee, and a general discussion on Public Business is altogether inappropriate, and would form a grave alteration in the forms of Business if I had allowed it without protest.

MR. CHAPLIN said, he would certainly not have risen but for the observations of the right hon. and learned Gentleman who had just sat down (Sir William Harcourt), charging his noble Friend (Earl Percy) with having inserted a new instrument for Obstruction. He did not choose to submit to charges of that kind; and he wished to vindicate his noble Friend from the charges of irregularity which had been made. ["Order, order!"] Some hon. Gentlemen were not in the House at the commencement of the proceedings. ["Order, order!"] He must tell them what occurred. He should not delay them more than a few minutes. What occurred was this. A Question was put to his right hon. and learned Friend (Sir William Harcourt) early in the Sitting, and he, with very great courtesy, told them he would send a message to the noble Lord (the Marquess of Hartington), and when he had an answer it should be considered. If there were irregularity then, it must be irregularity on the part of the right hon. and learned Gentleman the Home Secretary. ["Order, order!"] He did not wish to delay Business; but if that was the way in which hon. Members on that side were to be received by the Committees when they vindicated themselves against unjust charges, hon. Members were not going the right way to make progress. The noble Lord then said that he could only give a contingent answer. But that was all he asked yesterday. What he asked for was that if the Bill was not completed on Wednesday, would it be proceeded with on Friday? If he had given the same answer yesterday, instead of now, the whole of that delay would have been avoided.

Motion, by leave, *withdrawn*.

Amendment proposed, in page 1, line 18, to leave out the words "but only" to "writing and," in line 14, both inclusive.

Question put, "That the words proposed to be left out stand part of the Clause."

MR. GORST: I thought the Question was that Progress be reported.

THE CHAIRMAN: That is withdrawn. ["No, no!"]

An hon. MEMBER: I distinctly heard cries of "No!" when it was put.

THE CHAIRMAN: As those cries did not reach the Table, with the consent of the Committee I will again put the Question. The Question is that I report Progress, and ask leave to sit again.

Question, "That the Chairman do now report Progress, and ask leave to sit again,"—(*Earl Percy*.)—put, and *negatived*.

Original Question again put, and *negatived*.

Words *struck out* accordingly.

SIR WILLIAM HARCOURT remarked, that they now came to the question of limitations which it was proposed to introduce into the Bill. The first was not a new one, but was in the Bill as it originally stood. Therefore, he thought there would be little or no objection to that in substance, whatever there might be in form. It was proposed that the right given by the Bill should be limited to the occupier and his authorized agents. That proposition did not differ at all from the original proposition, except that the outsider, the man who was not a resident on the farm, was there confined to one person. He made that concession with reluctance, for he did not see the evil of the proposal. If the occupier of a large farm, especially a hill farm, in Scotland, wanted to kill off hares and rabbits, he should think the best way, on a large extent of ground, would be to let him have as many professional killers of rabbits or hares as he liked, and they should not be obliged to turn his shepherds and labourers into killers. That had been pressed very strongly upon him; but if he found any disposition to restore the Bill as it was before, instead of confining it to one single outsider, he should be very glad to do so. When it came to be discussed, he was sure hon. Gentlemen would see it was far better that professional rabbit-killers should be employed. One man could not do the work—he could not be trained properly—and, therefore, they would really turn farm labourers into rabbit-killers. Therefore, though he felt bound to

propose the Amendment in the form he had, if, upon discussion, it was not deemed wise, he would be at liberty, he thought, to alter it. If it would be convenient, he would take it paragraph by paragraph.

THE CHAIRMAN: The usual course is to propose an Amendment as a whole.

SIR WILLIAM HARCOURT: I wish to know whether I am obliged to propose the whole Amendment, or whether I am in a position to propose it paragraph by paragraph, which will be more convenient for making Amendments?

THE CHAIRMAN: If it is the wish of the Committee, it might be done by taking it in single paragraphs.

MR. CHAPLIN: I have several Amendments to propose. May I ask the Chairman how it will be competent for me to move this? I wish to move an Amendment, after the word "person," in paragraph A, in Section 2, and Section 3—

THE CHAIRMAN: It will be precisely as at present. If the right hon. and learned Gentleman chooses only to move part as an Amendment, then Amendments upon that Amendment can be moved.

MR. CHAPLIN: When any paragraph is put to the Committee, it will be competent for me to move an Amendment in Committee?

THE CHAIRMAN: Yes, in that paragraph.

SIR WILLIAM HARCOURT: I will, therefore, propose to add to the clause these words—

"Provided, That the right conferred on the occupier by this section shall be subject to the following limitation:—(1.) The occupier shall kill and take ground game only by himself, or by persons duly authorized by him in writing."

MR. SOLATER-BOTH said, that before his hon. Friend (Mr. Chaplin) moved his Amendment, he wished to ask the right hon. and learned Gentleman a question or two as to the general scope of the Amendment now before the Committee, which was not clear upon the face of it. As he understood the Amendment, the intention was that those provisions with regard to the "one other person who should be authorized to take game," should be applicable to that one other person only; but, as it was drawn, he understood that all those members of the family, and persons habitually in employment, would also

require to have their names recorded. He did not think that was the intention of the Government; but that was the language of the provision. The persons authorized must all have been named and recorded by the Office of Inland Revenue. He did not think that was the intention of the right hon. and learned Gentleman; but that was the meaning of his language. Then, again, under the clause, he did not see what provision there was for putting its provisions into force. He did not see that any penalty attached, nor was it stated how the provisions as to the Inland Revenue were to be put into operation. Those were matters which ought to be debated before this clause was discussed.

MR. E. STANHOPE had wished to express his gratitude to the right hon. and learned Gentleman, for, after looking at the various Amendments put upon the Paper, it seemed to him he had given a fair consideration to them, and had adopted a good many of them. But now the right hon. and learned Gentleman undid what he had done, because he told them he had only thrown these Amendments down for discussion, and if the Committee did not accept them he did not care about them a bit himself, and would withdraw them. He (Mr. E. Stanhope) raised this question at that early stage because he thought it desirable, before they got through any part of the clause, that they should arrive at a definite understanding upon this important point. He agreed, to a very large extent, with the arguments used by the right hon. and learned Gentleman; and if it were a mere question of killing ground game by trapping, ferreting, or such ways, then a very good deal could be said for the point put by him. It was very possible it might require more than one person; but when they included in it also the means of killing ground game by a gun, they were placed in this difficulty—that the power of using the gun by any person other than the occupier was certainly not wanted for the protection of the crops of the tenant. It was perfectly clear that the tenant and one other person could kill all the ground game necessary. Nor was this provision wanted for the purpose of the sport of the tenant, because, if he might himself shoot, and one other person authorized by him might also shoot,

then they had done quite as much for the benefit of his sport as it was reasonable to ask. But if they gave power, as proposed in the Amendment, to the occupier to make all the members of his family, everybody employed by him, and one other person besides, eligible to use a gun and go shooting over a farm, it was quite clear they would have done the utmost they possibly could to destroy all sport whatever upon the farm. That was the conclusion to which they must come. He thought, before they went further, they might arrive at some proper distinction to be drawn between those cases. He desired, for one, particularly as they had assented to the Preamble of the Bill, to give protection to the crops of the tenant. Could not they arrive at some *modus vivendi*, and draw a distinction between cases where they did require more than one person to be authorized and cases where they did not? For the sake of raising this discussion he would propose his Amendment.

Amendment proposed to proposed Amendment, in line 4, to leave out the word "persons," in order to insert the words "one person."—(Mr. E. Stanhope.)

SIR WALTER B. BARTELOT said, he quite agreed with the hon. Gentleman, and he himself had an Amendment for the same purpose. He could not conceive that the right hon. and learned Gentleman intended that not merely the tenant himself, but that all his family and every labourer upon the farm, should be able to carry a gun and to use it in the destruction of ground game. That was a proposition which hon. Gentlemen opposite, when they considered it carefully, would surely acknowledge was neither wise nor safe. He did not for a moment say that the tenant should not have some sport. He always liked to see his tenants out shooting with him; but it would be a grave error to admit anybody to kill hares and rabbits in the way proposed by the Bill. This was not a measure to give sporting rights to tenants, but merely one to protect their crops from damage. If it was intended to keep the Bill within those limits, then they had no right to ask for such a provision as this, and it was a gross act of injustice to suggest it. He maintained that there was no tenant farmer in the

Kingdom who would ask for more than one person to be authorized to shoot beside himself. He hoped the right hon. and learned Gentleman would concede this Amendment.

MR. J. W. BARCLAY said, he was one of those moderate persons who were quite prepared to see enough of hares on land to afford an ordinary amount of sport; and he thought that a certain number of hares might exist on the land without materially injuring the tenant or interfering with high farming. But the tenant was to have the power of keeping the number of hares within this limit. And he wished to put it to hon. Members opposite, who were anxious to impose limitations on the tenant's power, that, even with the limitations they wished, the tenant, so far as hares were concerned, would have the power of utterly exterminating them if he so pleased. Even with the whole of the limitations, there would be the power of extermination; and if the tenant found that his right was conceded grudgingly by the landlord—if the landlord declined to put any confidence in him, and endeavoured to check and control his right—then, depend upon it, the tenant would have his revenge, and utterly exterminate hares within the three months to which it was proposed to limit him. When hon. Members proposed these limitations, to insure that there should be a certain number of hares, they were taking a step which would most effectively defeat the object they had in view. If the tenant did not think he was fairly and reasonably treated by the landlord, the latter might be perfectly sure that the tenant would take care to put himself right within the time during which he would have the control over the hares. As originally introduced, he understood the Government Bill did not give sporting rights to the tenant. He could not invite a friend or neighbour to shoot with him. He (Mr. J. W. Barclay) was anxious to have the Bill passed as a substantial measure of relief, and was willing to accept the Bill with that limitation. But so far as the preservation of game was concerned, he would tell hon. Members opposite—who seemed so much afraid of the tenant, whose friends they professed to be, but would not trust him further than they could help—that it was a great mistake on their part to hesitate, after giving the tenant so much power under

the Bill, to put full trust and confidence in him. If the tenants had power to prevent serious injury being done to the crops by hares, they would probably use that power with discretion. If, however, Parliament limited the power of the tenants to certain months, they would take such effective steps during that period as to prevent any risk during the rest of the year. For these reasons, he hoped the Amendment would not be proceeded with.

MR. SCLATER-BOOTH said, the hon. Gentleman was a little mistaken in supposing that the object of proposing these Amendments was to preserve hares. [Mr. J. W. BARCLAY: I did not say so.] He understood the hon. Gentleman to say that these Amendments showed a want of confidence in the tenants. That was not their view at all. They wanted hares and rabbits to take their chance under the Bill. But their reason for supporting these Amendments was to prevent a clashing between landlord and tenant in the exercise of their rights. They wanted that the one right should be exercised at one time, and the other at another. That would be better for both occupier and owner. With regard to this Amendment, he should be very much guided by the language of the Home Secretary. If he meant to limit this power of shooting to one other person besides the tenant, he thought they might very rapidly run through the Bill.

MR. WILBRAHAM EGERTON said, they were told that the object of this Bill was to protect the crops of the tenants, and for that purpose he accepted it. But they must take care, when they meddled with the existing law, which allowed free contracts between landlord and tenant, that they did not interfere with what was practised at present between good landlords and good tenants, and did not lay down a hard-and-fast-line in an Act of Parliament which would not work. If this Bill was to be useful at all, it must be planned on moderate lines. He believed he was representing, on this subject, the feeling of the tenant farmers in his part of the country, and he was not at all influenced by the considerations to which the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) alluded on the previous evening. He spoke openly at the last Election on the Game Question; and the fact that six Members had been

ore, he hoped the hon. Gentleman could not press his proposition. At all events, if he did insist upon it, he (Sir William Harcourt) must divide the Committee.

Mr. E. STANHOPE said, he was not at all dissatisfied with the course the discussion had taken, though no one had yet attempted to answer the points he had raised. He had no objection whatever to any number of persons being authorized to kill ground game by means of traps and the like; but he drew a distinction to any number of persons being authorized to use a gun. He had no wish to take away from the tenant the right of sporting; on the contrary, his Amendment were adopted, the tenant would have the right to use a gun. He admitted that the Amendment he had proposed did not exactly raise the point he desired to bring before the Committee. He had made the amendment in the hope that they might be able to arrive at some compromise. They had now had a discussion upon the question; and though he was obliged to confess that no one had met the point put forward, he would now withdraw the amendment, reserving to himself the right to propose an Amendment subsequently.

Amendment to said proposed Amendment, by leave, *withdrawn*.

SIR WILLIAM HARCOURT moved to add at the end of Clause—

“Provided, That the right conferred on the occupier by this section shall be subject to the following limitations:—(1.) The occupier shall kill and take ground game only by himself, or by persons duly authorized by him in writing.”

Amendment agreed to.

Words added.

SIR WILLIAM HARCOURT said, he would now propose to add to the clause sub-section A.

Amendment proposed,

“To add at the end of the last Amendment the words—“(a.) No person shall be authorized by the occupier to kill or take ground game, except members of his household habitually resident on the land in his occupation, persons in his ordinary service on such land, and any other person bona fide employed by him for or toward the taking and destruction of ground game.”—(Sir William Harcourt.)

Question proposed, “That those words be there added.”

Mr. CHAPLIN said, his Amendment was in the 4th line, and he would like to know whether there was any other to come before it?

Mr. J. W. BARCLAY said, his was earlier. He proposed that the word “habitually,” in this Amendment, should be left out. If the farmer gave authority to a person not habitually resident on the farm, by a subsequent Amendment he brought himself within the provisions of the 12th section of the Act of William IV. Speaking of this limitation particularly, he might make remarks which applied generally to the whole of these limitations. The Bill was accepted, as originally introduced into the House with the understanding as to the reservations applying to moors and waste lands, as a Bill which would settle the Game Law question as between landlord and tenant; but if these limitations were introduced, it could not be accepted as any settlement of the question.

SIR WILLIAM HARCOURT: Those words were part of the original Bill.

Mr. J. W. BARCLAY said, he would restrict himself to the word “habitually.”

SIR WILLIAM HARCOURT replied, that he had no objection to leaving out the word. It was not a legal word, and might lead to some misunderstanding; and, therefore, he did not think the word was important.

THE CHAIRMAN: I must point out that the manner in which I put the Amendment is strictly correct, and it would be far more to the convenience of the Committee to discuss the Question that these words be here added, and then an Amendment on the Amendment would be in Order.

Question put.

SIR EDWARD COLEBROOKE said, he had an Amendment to move to the Proviso. He did not wish to renew the discussion on the Motion which had just been decided; but he would put it to the right hon. and learned Gentleman who was in charge of the Bill whether it was necessary to have so large an army of persons to kill ground game? He was greatly against any limitation of time with regard to hares and rabbits; but he did think there ought to be a limitation as to the numbers of persons in the employment of the occupier who were authorized to shoot ground game. The great object of this Bill was to keep up

able to destroy the pleasure of the rest of the tenants on an estate. He hoped that that power would not be given. When they were desirous of assisting hon. Members to pass the Bill which would put power into the hands of the tenant to destroy game, they were confronted with the possibility of greater powers being given to the tenants, and greater powers which they might exercise improperly. He understood that the hon. Member for Mid. Lincolnshire (Mr. E. Stanhope) considered one person besides the tenant was sufficient to kill off ground game. If the right hon. and learned Gentleman the Home Secretary would make a little concession upon this point. [Sir WILLIAM HARCOURT: No, no!] The right hon. and learned Gentleman would make no concession. He must, therefore, not be surprised if they, in the interest of the sporting tenants or sporting landlords, opposed the passing of the measure in every way the Forms of the House would allow.

MR. JAMES HOWARD said, that as the hon. and learned Gentleman (Mr. Grantham) had appealed directly to him, he would ask the indulgence of the Committee for a few moments. Hon. Members seemed to consider themselves safe so long as they kept within the realm of prophecy, and they were continually prophesying that all sorts of things would happen if certain concessions were not made. He (Mr. James Howard) had already pointed out that this concurrent right was no new thing in the country, and he would certainly oppose any concessions unless hon. Gentlemen could prove the necessity for them. It was useless to attempt to frighten men by prophecy, for those who had passed the meridian of life knew that most of the political prophecies had remained unfulfilled, or had been falsified by events. Hon. Gentlemen had had abundant opportunities since the Bill was introduced to ascertain the working of these concurrent rights; but they had not come down to the Committee with a single fact. How could they expect hon. Members opposed to the proposed limitations to be convinced of the necessity of them unless they adduced some good reasons? Hon. Members opposite had affected a great deal of anxiety about the interests of tenant farmers; but actions spoke louder than words, and, if he did not mistake, the farmers of the country

would judge by deeds rather than by words. What was the object of almost all the Amendments which had been put upon the Paper? Why, to limit the concessions which were about to be made to the farmers of England and Scotland, and all these Amendments were begotten of distrust of the farmer. The hon. Member for Forfarshire (Mr. J. W. Barclay) had asked whether the farmers in possession of a concurrent right, or those in possession of a sole right, had exercised their power in an unfair or unsportsmanlike manner? He (Mr. James Howard) maintained they had not. His own little estate was surrounded by tenants who had had, for many years, either a concurrent right or a sole right to the game upon the farms; yet he had never known one of them to exercise their right in an unfair or unsportsmanlike way. Until, therefore, hon. Gentlemen could give them something like evidence in favour of the need for their Amendments, he should oppose any limitations of the concessions.

LORD ELCHO said, he was surprised to hear the hon. Member for Bedfordshire (Mr. James Howard) say he had had great experience of concurrent rights. The hon. Gentleman, however, failed to tell them where there were any concurrent rights such as it was proposed to create by the Bill. He referred to his own neighbourhood, where tenants had a concurrent right or sole right of shooting. But was that concurrent right conferred upon them by law? No; it was conferred upon them by freedom of contract and by arrangement. [MR. JAMES HOWARD: By law.] In that case, he would ask the hon. Member for Bedfordshire to say by what law such rights were conferred. [MR. JAMES HOWARD: The Common Law of the land in England.] If that were so, the present Bill was unnecessary. Why, if the Common Law of England gave that concurrent and inalienable right, were they spending these days—which they would rather be enjoying in the country—in discussing that Bill? ["Oh, oh!"] The hon. Gentleman knew perfectly well there was no instance of it; and the hon. and learned Member for Stockport (Mr. Hopwood), who was always very critical, and objected to anything anybody said which did not exactly coincide with his own views on legislation, cheered. But he (Lord Elcho) challenged the hon. and

*Mr. Grantham*

use the landlord was authorized to let people to shoot on his estate, therefore, he would dress up his dog and footman in some peculiar way, and set them to kill game. He did not do it, although he had the power. It was not a common sense arrangement. He hoped they would give the farmers credit for some commonsense. Why should they not give credit for dealing properly with power? [*Laughter.*] He saw that noble Lord the Member for Hadley (Lord Elcho) laughed. He hoped he was going to say something about freedom of contract. Why should a tenant farmer so cover his farm with dogs, with guns who were not wanted? There was no fear of that. The tenant farmer would employ just as many as he wanted and no more. He would not pay their wages and would not let them work. Why should he pay them, if he did not get work? All the bugbears were the most absurd things in the world. Let them not go on talking over small details, but leave the matter to the tenant farmers themselves, who might be credited with a commonsense, and who, they might be sure, would not authorize in any way every labourer to go out and kill when he was wanted to follow the dog, or to do any other farm work.

LORD ELCHO said, the right hon. and learned Gentleman asked the House to give the farmers credit for a little commonsense; but that was just what the Bill did not do. It rested on a different principle—namely, that these full-grown dogs had not sense to make arrangements for themselves. He wished to inquire whether he would be in Order in asking the question?

THE CHAIRMAN: The Question is whether the word "members" be struck out, in order to insert the words "a member."

LORD ELCHO said, he was aware of the question, but he wished to ask a Question about something which occurred in every part of the Bill—"the concurrent and enabling right."

THE CHAIRMAN: I do not think it is in this clause. If it is in every part of the Bill, the noble Lord might be able to find abundant opportunities to raise it at a later stage.

MR. GORST asked what security was that those limitations would

be observed? The right hon. and learned Gentleman said the Judge would decide; but how would the Judge decide?

SIR WILLIAM HARCOURT said, the machinery about which the hon. and learned Gentleman (Mr. Gorst) asked would be found in an Amendment which he would lay on the Table.

Mrs. GORST remarked, that it would be extremely convenient if the right hon. and learned Gentleman would tell the Committee, before the Bill was passed, how he intended to deal with it. He did not know how other hon. Members felt; but it would very much affect his conduct in discussing the clauses, if he understood how the Bill was going to be legally enforced. He should be very much disposed to make close distinctions, if they were going to have cruel penalties.

SIR WILLIAM HARCOURT said, he would answer the hon. and learned Gentleman (Mr. Gorst), who said it was important that they should know how the Bill was to be enforced. He would tell him the clause which he proposed to take out was Clause 7, and he would then insert words to the effect that any Act of Parliament inconsistent with this Act should, in so far as it was so inconsistent, be repealed; but that, otherwise, the occupier should be liable to the same proceedings and penalties as if the Act had not been passed.

COLONEL KINGSCOTE rose to support the Amendment of the hon. Baronet (Sir Edward Colebrooke). He did not see why the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) withdrew his proposition. Now it was raised again, and he wished to put before the right hon. and learned Gentleman the Home Secretary the difficulty he saw in allowing the farmer to give the right to shoot to any members of his family and people in his employ. The hon. Gentleman the Member for Bedfordshire (Mr. James Howard) said no confidence was placed in the tenant farmer. He (Colonel Kingscote) did not think the hon. Member would accuse him of thinking that; but they must remember that there were black sheep in every flock. There were tenants who could not be trusted, and there were landlords who could not be trusted. Taking a large estate, with a good many tenants, suppose there was a can-



the power to take out his gun, or, if he were a Volunteer, to take out his Snider, and pot it. [*A laugh.*] Hon. Gentlemen might differ from him, but such were the opinions he had of the Bill. One great objection to the Bill was that it would create a bad feeling between landlord and tenant. If the tenant were to be empowered—only checked by the Gun Licence, which he supposed would shortly be repealed—not only to shoot himself—[*Laughter*—]—but to allow every man who was permanently resident in his house to shoot—for that was what the proposal of the Government came to—they would set up a very awkward state of things. If they had every tenant, and every labourer employed by a tenant, armed with a gun and enabled to shoot, it would be rather alarming if they found them adopting the Irish custom of shooting something else besides rabbits. [“Question!”] It was the Question.

MR. ASHTON DILKE rose to Order, and remarked that the noble Lord was making a speech appropriate only to the second reading of the Bill.

THE CHAIRMAN: I have already drawn the noble Lord's attention to the fact that he is travelling much beyond the Amendment.

LORD ELCHO said, he was directing his arguments to the exact point, as the Chairman would soon see.

MR. HOPWOOD desired to submit to the Chair, whether the noble Lord, in commenting upon the decision of the Chair, was not out of Order? He understood the Chairman to have ruled that the noble Lord was proceeding beyond the Amendment. The noble Lord, however, proceeded. In doing so, he (Mr. Hopwood) submitted that the noble Lord was failing in proper respect to the Chair, and was out of Order.

THE CHAIRMAN: I understand the noble Lord intends in the future, at all events, to confine himself to the Question.

LORD ELCHO (resuming amid considerable interruptions) protested against the disorderly conduct of those hon. Gentlemen who were constantly interrupting the Business. He was simply proceeding to say that he believed that the Bill as it now stood would practically destroy all sporting rights. [“No!”] It was a matter of opinion, and he had just as much right to express his opinion openly

as hon. Gentlemen opposite had to express them by means of groans. He held that view, and he maintained it. He regarded the unlimited power given by the Bill to the tenant, and to his labourers, to shoot all over his land as absolutely destructive of all sporting rights, and destructive also of everything like a kindly feeling between landlord and tenant. The Amendment of the right hon. Gentleman (Mr. E. Stanhope) was a very legitimate one, providing, as it did, a very proper limitation of the power given to the farmer. The hon. Member for Forfarshire (Mr. J. W. Barclay) had laid great stress upon the power the tenant would have under the Bill to kill all the game he liked. Under leases, however, they could not. Hon. Gentlemen had done all they could to make the Act retrospective. He supported the Amendment, simply upon the ground that it was more likely to preserve good feeling than the Bill of the right hon. and learned Gentleman the Home Secretary, which would make the relation between landlord and tenant intolerable.

SIR WILLIAM HARCOURT hoped they might take a decision upon the Amendment. If he might offer a word of advice to his hon. Friends, it would be that they should not interrupt the noble Lord opposite (Lord Elcho). He had known him longer than many hon. Gentlemen, and had always found it best to allow him to run down. The noble Lord had spoken against time in the course of the discussion, and had throughout declared that the greatest crime of the Bill was that it was intended to conciliate the farmers. It was very true it was intended to conciliate the farmers, and to give them a remedy for a grievance which they had, and which the Government considered to be a just grievance.

LORD ELCHO rose to Order, and asked if these remarks were pertinent to the Amendment?

SIR WILLIAM HARCOURT remarked, that that was like Catiline complaining of sedition. He, however, stood corrected by the noble Lord, who would not extend reciprocity to him and allow him to run down. The hon. Member for Mid Lincolnshire (Mr. E. Stanhope) must feel that his Amendment could not be accepted. To limit, under all circumstances, this matter to one person would be too strict; and, there-

way to limit the persons, he (Sir Alexander Gordon) believed he would prove the Bill. He should like to find the Committee that when this proposal was brought in by him, only a few years ago, to protect growing crops from injury, he did not know from what it met with most opposition. Hon. Gentlemen on one side opposed it as much as hon. Gentlemen on the other; public opinion was growing, and the Bill he introduced three years ago had developed into a Government mea-

MR. JOHN BRIGHT: I cannot help thinking that the discussion this afternoon on this clause has left a very great impression on my mind. It seems to me that Gentlemen who take so much interest in this matter are very inconsistent with what they tell us at other times, and what they say at all their meetings in the country. They say nothing can be more harmonious, as a rule, than the state of feeling between landlords and tenants. I am not at all about to dispute that; it is partly upon the strength of that statement that I base the amendment which I should make of the clause which my right hon. and learned Friend (Sir William Harcourt) is taking regard to this clause. The hon. Member for East Surrey (Mr. Grantham) spoke of what he called ill-natured tenants, and the hon. gallant Gentleman behind me (Colonel Kingscote) used a word which I will not use in this House, because I think slang phrases are better avoided, indicating that tenants are bad-tempered and so hostile to their neighbours that they cannot be allowed the ordinary limits which should otherwise be allowed to that class. Hon. Members must bear this in mind—that however much you limit the power of the tenant, if he be of that very ill-natured character, and is so perpetually quarrelling with his landlord and his neighbours, whatever limitations you put in the Bill, he will still have power to make himself very disagreeable on the question of game. If I were a landlord, I should never rely, after the passing of this Bill, on the liberality of the Bill, and on the general good feeling which hon. Gentlemen spoke of, and which I believe exist to a very large and general extent between the tenants and the owners of the land they cultivate. If you put

in the restrictions which hon. Gentlemen want us to do—as, for instance, that guns should not be allowed at all—are hon. Gentlemen willing to vote for that? I do not think they are. People talk about common sense in tenants; I hope there is some common sense left among landlords. Already there is one limitation in the Bill which, except on the ground of what I should call mercy and humanity, I should object to strongly—that is, the limitation with regard to traps. I recollect speaking to a Gentleman lately, a Member of this House. I do not know where he is now—I mean a Gentleman whose absence we all regret—(Sir Harcourt Johnstone)—upon this very subject. His interest was in foxes, and he was very anxious that foxes should not put their feet in traps set to catch rabbits. He admitted it was very cruel, and it was one of his strong arguments in favour of putting an end to them. But I said—“If you put an end to traps, will you forbid landlords and occupiers to employ them?” I think on the ground of mercy it might be desirable to extend the trap limitation, so that traps with teeth should not be used to kill game. I must not be supposed to be moving an Amendment on the Bill of my right hon. and learned Friend; but I merely state that as showing that you have already insisted upon one very considerable limitation with regard to the traps. They are not to be placed anywhere, except in runs and holes covered over, and not upon the open ground. This is a limitation; but you do not propose to endorse with regard to occupiers. There is no limitation which will prevent the landlord from bringing any number of persons upon his tenant's farm at any time, for the purpose of shooting or pursuing game in any customary manner. Therefore, there is no concurrent right—at any rate, no equally concurrent right—even in the Bill as it stands, between the rights and powers of the landlord and of the tenant. Surely, that difference must be some restriction. It is said there must be some alteration by which you must not give the tenant all these powers to authorize other persons to shoot ground game. But if the tenant is to be encumbered by many restrictions which landlords have imposed, and from which they are themselves freed, the tenant will find the Bill is, by no means, the con-

a good understanding between landlord and tenant, and he did not think the clause as now worded would do that. It would certainly create great alarm among landowners in the country, and might have some very unfortunate consequences. For that reason, he would press the Government, very strongly, not to let their measure go one step beyond what was necessary for the tenant to protect himself in the preservation of his crops. With that view, though he would give unlimited powers with regard to traps, he thought there ought to be a limitation in regard to guns. There might be a joint tenancy, and then all the joint tenants might employ their servants. He would suggest that the Proviso should be limited to one, two, or three—as the right hon. and learned Gentleman thought it absolutely necessary. If he could not fix his mind upon the exact number, let it stand over till the Report. With the view of raising the question, he would propose to leave out the word “members,” in order to substitute the words “a member.”

Amendment proposed to the proposed Amendment, in line 2, to leave out the word “members,” and insert the words “a member.”—(*Sir Edward Colebrooke.*)

Question proposed, “That the word ‘members’ stand part of the proposed Amendment.”

Mr. RODWELL thought the suggestion made by the hon. Baronet was a very reasonable one, and one which would be acceptable to many of the farmers themselves. In corroboration of what had been stated by the hon. Baronet, he (Mr. Rodwell) had a note from a very representative farmer in the Eastern Counties, a man of great experience, on whose information he could thoroughly rely, and who was very anxious that this Bill should pass; and, in his communication, he said—

“I cannot see the necessity for so many people to kill game. In a farm in Norfolk, comprising 1,600 or 1,600 acres, one man, with casual assistance in the winter, kept down the whole of the ground game, and I never had any trouble with my landlord at all.”

That gentleman had retired from business. He was a very prosperous man, and had taken a very leading part in what might be called the agitation of this Game Question. That was his opinion; and, therefore, he (Mr. Rodwell)

was inclined to support the Amendment. He would further say that he thought that it was utterly unnecessary, for the destruction of this game, to employ so many people. It would be done better by one or two, who would be responsible for keeping down the game. As a farmer, if he wanted the game to be kept down, he should sooner say to one or two men—“You are responsible for it,” instead of saying to all his men—“Kill a rabbit whenever you see one.” The likely consequence of giving power to everybody to kill game would be to defeat the object of the Bill. He had another observation made to him by a farmer, a strongly practical business man. He said—

“I do not want to see all my household with guns in their hands. My boys work very well now; but if they can go out every morning and evening to shoot rabbits, I shall have hard work to keep them at work.”

There was a great deal of common sense in that observation. He wished to see this Bill carried; but he did not think it was assisting the tenant farmers at all, but rather thwarting their endeavours, in giving them so many help-mates, where, by one or two, the work would be much better done.

SIR WILLIAM HARCOURT said, that everything which fell from the hon. and learned Gentleman (Mr. Rodwell), and his hon. Friend behind him (Sir Edward Colebrooke), was worthy of attention; but he confessed he did not see how that Amendment could be accepted by the Government. His hon. and learned Friend opposite had been arguing as if the Bill compelled the farmer to allow all his sons and people on his farm to have guns. It really did nothing of the kind. His hon. and learned Friend's correspondent, who thought his sons had better not shoot, would simply not give them his authority in writing. If he did not do that, they could not shoot. His hon. and learned Friend had treated the Bill as though it gave an independent authority to every man on the farm. It did nothing of the kind. It left the discretion to the tenant to determine how many men he required. The farmer ought to have that discretion. To a small man one would be enough, while a large farmer would require at least two or three. But why were they to haggle over the rights of a farmer in this respect? They might just as well argue

*Sir Edward Colebrooke*

ght). He (Lord Elcho) had risen to  
ly at the same time as the noble Lord  
Member for North Leicestershire  
rd John Manners), and that noble  
rd had anticipated the observations  
intended to make. He had said that  
the right hon. and learned Gentleman  
Home Secretary wished the Bill to  
s he should not allow the Chancellor  
the Duchy of Lancaster to speak. For  
part, he (Lord Elcho) would make it  
current right between the two right  
l. Gentlemen. Whenever the Chan-  
lor of the Duchy of Lancaster got up  
wanted to speak, the Home Secretary  
uld have the right to stop him; and  
enever the Home Secretary was on his  
s to address the Committee, the Chan-  
lor of the Duchy of Lancaster should  
ve the concurrent right to prevent him,  
h the view of getting the measure  
ough. The right hon. Gentleman had  
eatened them with extreme measures  
rder to pass the Bill, and possibly, as  
right hon. Gentleman had said, his  
rd Elcho's) exhibitions in regard to  
Bill had not been to his credit; but he  
hed, at the same time, to point out  
t for the last 33 years his views had  
hanged on this subject of game.  
nce 1847—as the hon. Member for  
rtford could vouch—when he (Lord  
ho) resigned his seat for East Glou-  
stershire and became elected for Had-  
gtonshire, he had always protested,  
d he still stood there to protest,  
ainst what he considered vicious legis-  
ion. ["Agreed!"] He had been  
sonally attacked, and he claimed the  
ht of personal reply. The right hon.  
ntleman opposite (Mr. John Bright)  
d directed the fire of his artillery  
on him. Now, the first contest he  
d in this country was on a game ques-  
n. A Mr. Welford stood against him  
"Order, order!" and "Question!"  
what he was saying was to the point,  
ause they had been threatened with  
appeal to their constituents. This  
ntleman to whom he referred published  
ook on the Game Laws, containing a  
face. A preface by whom? Why,  
the right hon. Gentleman the Chan-  
lor of the Duchy of Lancaster. And  
at did that preface say. It was in  
form of a letter to the author, and it  
d to the farmers of England this—

The remedy is in your hands. The law has  
en you the game, and if by contract you choose  
part with it you sign your own degradation."

That was a right and sensible view of  
the question, and he mentioned it to  
show not only that he had fought on the  
Game Question for many years, but that  
the views of the right hon. Gentleman  
the Chancellor of the Duchy of Lancas-  
ter were more rational in 1847 than they  
were at the present time. The right  
hon. Gentleman objected to the word  
"cantankerous;" but he was himself  
famous for his good Saxon, and he  
(Lord Elcho) should have thought that  
this was as good a Saxon word as could  
have been used. But the hon. and gal-  
lant Member for West Gloucestershire  
(Colonel Kingscote) had not applied it  
to all farmers. Far from it. He spoke  
of what he called an outside case, and  
they ought to guard against such cases  
—that was to say, cantankerous tenants  
who were always quarrelling with their  
landlords, and who would exercise the  
privileges contained in the Bill harshly,  
and to the destruction of game. Did  
they object to this principle of legis-  
lating for what were called outside  
cases? Why, the whole of their Irish  
legislation rested on such cases, the  
most extreme cases; and he therefore  
ventured to think that the Amendment  
was a sound one, as it simply guarded  
against the abuse of the power given by  
the clause.

SIR WILLIAM HARCOURT said,  
he was quite willing to agree to the  
concurrent-right arrangement suggested  
by the noble Lord, provided he (Lord  
Elcho) would also consent to be one of  
the silent Members. He hoped the  
Committee would now divide. He had  
no particular interest in that Proviso,  
and was perfectly ready to drop it, if  
the Amendment were agreed to up to  
this point. If that were done, he would  
abstain from moving any more of the  
Proviso. ["No, no!"] Well, he was  
bound to say that he had had very little  
encouragement. Since he had made  
the concession, he had been subjected  
to more hard language from the opposite  
side of the House than he had ever  
been subjected to before. He had no  
interest whatever in pressing this Pro-  
viso on the Committee, and he was quite  
willing to take the advice of his noble  
Friend and say no more. If the Com-  
mittee wished it, he would withdraw  
the Proviso. He would move nothing  
further, and would leave the matter as  
it stood.

tankerous tenant, who said—"I cannot grow crops that will pay me, I will grow hares and rabbits instead." How would the Bill meet such a case? In the same way, it would apply to one cantankerous man, who annoyed all his neighbours by giving leave to everybody to shoot and do what they liked. Such a state of things would ensue. It was an outside case; but it might happen any day, the moment the Bill passed. He urged the right hon. and learned Gentleman the Home Secretary to restrict that power. The hon. and learned Gentleman opposite (Mr. Rodwell) had said the tenant farmers—the good tenant farmers—asked that this power should not be given. The right hon. and learned Gentleman the Home Secretary said the farmers need not give it to everybody. But they knew very well what sons would say—"Give me the gun and I will shoot a few rooks;" and if they should happen to be hares and rabbits, who was to know it? Those were very hazardous proceedings, and this power, therefore, should be restricted. Nobody wanted to restrict ferreting; but if they were to give power to everybody to shoot, not only would it endanger peoples' lives, but it would put an end to all good feeling between the landlord and tenant.

Mr. CHAPLIN said, there was one observation made by the hon. and learned Member for Cambridgeshire (Mr. Rodwell) which deserved attention. He was averse to place unnecessary restrictions upon farmers after giving them this power; but when he pointed out that the occupier might have the privilege of placing firearms in the hands of all his labourers, it deserved the attention of the right hon. and learned Gentleman. He thought there were obvious objections to that being granted to him. He should be glad if the right hon. and learned Gentleman would deal with this point in some part of the Bill. He thought the right hon. and learned Gentleman ought to remember that those limits to the concessions, which it was complained they were constantly moving, did not by any means come entirely from that side alone. The latter Amendment of the right hon. and learned Gentleman was one of a long series of limitations of the concessions already made, so he did not think they were quite open to the charge

*Colonel Kingscote*

against them. The Amendment of the right hon. and learned Gentleman opened a whole series of questions. It was, in fact, a new Bill in itself. He did not know whether it was convenient to discuss it now, and he should consult the right hon. and learned Gentleman's convenience; but he thought it would have been convenient if the right hon. and learned Gentleman had made a general statement on the bearing and scope of that long Amendment.

SIR WILLIAM HARCOURT: I did yesterday. If my hon. Friend had done me the honour to listen when I did explain, he would have understood the matter.

Mr. CHAPLIN said, he gave his best attention to everything that fell from the right hon. and learned Gentleman. He was very sorry, if it did escape him; but he was not aware he had explained that Amendment. There was a long series of Amendments. He did not wish to interfere with the proceedings, and if it was desired to discuss them in detail, he was quite ready to do so. He was asked at the last General Election whether he would vote for a Bill to give tenants the right to shoot; and he said he would give them rights over ground game, but not sporting rights. He drew a wide distinction between the two classes. It was not necessary for the purpose of keeping down ground game to use the gun, for the ground game could be perfectly well kept down by snares, nets and ferrets. He ventured to submit that it was fair that the lines on which that Bill was introduced should be followed.

SIR ALEXANDER GORDON thought a great deal was to be said in favour of restricting this general liberty to shoot. He would just read a single line of a Bill which he (Sir Alexander Gordon), in conjunction with the present Lord Fife, brought in three years ago, and which was accepted by all the farmers in Scotland, and by the Chamber of Agriculture, a very liberal body. That Bill provided "that the tenant and any one person being a son or a farm servant of such tenant" should be allowed to use a gun. The farmer himself and one other person were quite sufficient to keep down ground game without admitting other persons like poachers and strangers. If the right hon. and learned Gentleman the Home Secretary saw

were the leaders of the obstruction, that when charges of obstruction were made against his countrymen it would be seen who had set them the example.

THE CHAIRMAN: The Question is the Amendment be withdrawn.

SIR ARTHUR PERCY said, he entirely agreed that a great deal that had fallen from the right hon. and learned Member who had just sat down (Mr. A. M. Sullivan). He agreed with him that personal remarks made at the Table had a great tendency to obstruct the Business of the Committee, although he could not agree that they had no right to discuss the Amendment. If there were Obstructionists who dealt with personal matters at the Table, he would leave it to the Committee to say who, in that sense, were making the obstruction. He did not rise for the purpose of making this observation, but to induce the Committee to look more carefully at the position in which they stood. The Bill as originally introduced by the Government, he imagined, was a measure which, considering the general interest of the country and not the interest of any one class, the Government thought they could recommend to the House. The right hon. and learned Member the Home Secretary had since brought forward certain Amendments. The right hon. and learned Gentleman, in placing his Amendments on the Paper, and introducing them, he presumed, because, as responsible Minister of the Crown, he regarded them as an improvement of the Bill, and calculated to render the measure more acceptable to the country. But if the Opposition ventured to criticize some of the points of the Amendments of the right hon. and learned Gentleman, and to suggest alterations of their own, then the right hon. and learned Gentleman at once declared that he had no interest in the matter, and that he would at once withdraw the Amendments he had proposed, the question being received with cheers from the hon. Members opposite. He did not know whether the right hon. and learned Gentleman intended to withdraw the Amendments. If he did the Committee would be in this position—the right hon. and learned Gentleman would not recommend the introduction of Amendments which he considered requisite for the improvement of the Bill; but he would not have pressed them, and

would have given the Committee no opportunity of expressing an opinion upon them. If the right hon. and learned Gentleman took the course which he seemed inclined to adopt, the only result would be to display, in the most marked form, the ignorance and vacillation of Her Majesty's Government. He wished to know whether, after that Amendment was discussed, the Amendments of the right hon. and learned Gentleman were to be withdrawn?

SIR MICHAEL HICKS-BEACH hoped the Committee would now be allowed to make some progress with the Bill. There was no reason, after what had been said by his noble Friend (Earl Percy), why they should not come to a decision upon the present Amendment, and then proceed to discuss those of the Government. He did not wonder, after what had passed, including the speech of the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), that the right hon. and learned Gentleman the Home Secretary should have displayed a little warmth in regard to the progress of the Bill; but he could not believe that the right hon. and learned Gentleman seriously proposed to withdraw his Amendments. He (Sir Michael Hicks-Beach) had sat there for a good many hours for the purpose of discussing them. If they were adopted the Bill was one which he was fairly disposed to accept. He did hope, therefore, that the Committee would now go on with the serious consideration of the Bill.

SIR WILLIAM HARCOURT remarked, that if the prospect held out by the right hon. Gentleman (Sir Michael Hicks-Beach), that the Amendments would be fairly considered, was likely to be realized, he would accept the conditions of the right hon. Gentleman and be ready to place them before the Committee. He trusted there was some hope of their being fairly discussed. He would not say whether or not there had been an indisposition hitherto manifested to go on with the practical consideration of the Bill; but if there was a reasonable prospect of the Amendments being fairly discussed by both sides of the Committee, he was quite ready to submit them to the Committee.

MR. CHAPLIN could assure the right hon. and learned Gentleman that he was as desirous of discussing the Amend-

cession and the measure of justice which he expected. What, then, will be the case of those ill-natured tenants, if there be one in a hundred—someone said one in twenty? I know not how many there may be; they are very few, I hope; but if there be ill-natured tenants, depend upon it an Act so restricted and so worthless will make him only worse-tempered than he is now, and make him suffer more than he is suffering at present. There is growing up in their minds a belief that their landlords and their county representatives are not sufficiently careful of their interests, and are not generally disposed to trust them. Because I am not asking them to trust to the Bill, even with the limitations you impose upon it, you will be bound hereafter to trust very much more to the generosity and good-feeling of your tenants than to the specific legislation and clauses in the Bill. I am now speaking neither as a landowner nor as a sportsman; but having, I hope, some knowledge of affairs which pass in this country, and some knowledge of the motives by which men are actuated, I should say that the true policy of the country gentlemen in this House is to deal honestly with the occupiers of the land in this question, and not to ask my right hon. and learned Friend to make any limitations, or to consent to limitations or restrictions other than those he proposes. I am quite sure, if he were to increase those limitations, he would not be acting in accordance with the opinion of the majority in the House, and certainly not of those for whom this Bill is especially intended. I know the noble Lord, whose exhibitions in connection with this Bill have not been very much to his credit (Lord Elcho), taunts me, and taunts us, with caring about the favour and the votes of the county constituencies. Well, the county constituencies are numerous and powerful; there is no class of persons in this country now, of and there has not been for some time, which has complained with so much reason of the sufferings they have endured, and of the disasters which have pursued them. You know how much they are suffering even better than I do—none of us know how much they may suffer hereafter. Considering that we sit as a House of Commons representing the whole people, and that you more especially represent that class, let us do what is just and generous, and what we

should wish to be done if we were in their places and they were in ours.

LORD JOHN MANNERS: I am very much indisposed to take part in this discussion, and will only say a few words. If the right hon. and learned Gentleman the Home Secretary is anxious to pass the Bill into law, I should humbly advise him to put a muzzle on the right hon. Gentleman who has just sat down. This is not the first time that the right hon. Gentleman has given us one of those amiable lectures, in which he has characterized us as not acting as the farmers' friends. I am sure the agricultural community must feel, and does feel, a deep debt of gratitude for the great interest which the right hon. Gentleman has for their welfare. Probably some of them are old enough to recollect that some of the misfortunes to which the right hon. Gentleman so feelingly alluded were unquestionably brought about by the action of the right hon. Gentleman. Many hon. Members will recollect that until the last few months the right hon. Gentleman has done nothing to mitigate those sufferings, or to advance the interests to which he now so feelingly appeals. I have no recollection, as a county Member, that, while the late Government was engaged in transferring some of the millions of taxation which ought not to be borne by the agricultural community, that we received any assistance, by voice or vote, from the right hon. Gentleman. When the whole agricultural community were disturbed lest foreign diseases should decimate their flocks and herds, and Parliament was anxious to remove that apprehension, and to carry into effect some reasonable legislation on that subject, I have no recollection that we received the slightest assistance from the right hon. Gentleman.

MR. PASSMORE EDWARDS: I beg to ask whether the noble Lord (Lord John Manners) is speaking to the Question now before the Chair?

THE CHAIRMAN: I did not interrupt the noble Lord, because I thought that the right hon. Gentleman the Chancellor of the Duchy of Lancaster had himself travelled beyond the limit of the Amendment. I trust that the noble Lord will keep within it.

LORD JOHN MANNERS: I accept the hint you have been so good as to give me; but I ask the indulgence of

*Mr. John Bright*

Act relating to game, or poaching, or killing of hares and rabbits, and."

Amendment was one which the right hon. and learned Gentleman the Home Secretary could well accept. It was a reasonable one, because its object was to prevent, by a farmer, the employment, as agent, of any person who was a notorious poacher, or who had been convicted of misdemeanour.

MR. A. M. SULLIVAN wished to ask the hon. Gentleman (Mr. Chaplin) whether it was a fact that country gentlemen and landlords—were prohibited from employing as gamekeepers any of these persons? He would like to ask the hon. Member if it was not notorious that there were persons to whom he belonged found out by gamekeepers very excellent gamekeepers? He would also like to ask, if the adoption of the Amendment would not afford an example of the grossest class legislation, unless the prohibition sought to be placed upon a farmer were placed upon a landlord?

MR. WILLIAM HARCOURT said, he could not accept the Amendment, because it would really create a new penalty. The effect of it would be to fasten a brand of disability upon a man who might wish, by honest employment, to better his position. The farmer would be inclined to inquire about the man who might have come from some distant part of the country; and if it were ascertained that he had committed some offence against the Game Laws, he would be regarded as a man who had suffered a penalty, and would be debarred from employment for the purpose of killing and taking ground game. He could not receive anything more socially unjust and undesirable, and he would rather let the Bill tatters than accept the Amendment.

MR. CHAPLIN said, the Amendment appeared to him quite the reverse of unreasonable. The hon. and learned Member for Meath (Mr. A. M. Sullivan) told him if landlords were in the habit of employing old poachers? He could speak for others; but, so far as he was personally concerned, nothing would induce him to take into his employ a person who was considered in the neighbourhood to be a notoriously bad character. As the right hon. and learned Gentleman the Home Secretary would not accept the Amendment, he would not put the Committee to the

trouble of dividing upon it; but, in vindication of himself, he must be permitted to tell the right hon. and learned Gentleman that it was very frequently the case that in a country parish, and adjoining almost every estate, there would be found three or four persons who were notoriously bad characters as poachers, and from the very fact of their being poachers they were exceedingly skilled in the destruction of game. He had understood the right hon. and learned Gentleman to say throughout that the object of the Bill was to protect the crops, and not to destroy sport. If the right hon. and learned Gentleman meant that he could not conceive anything more likely to destroy sport than to allow farmers to employ poachers or whoever they thought proper, he quite agreed with him.

Amendment, by leave, *withdrawn*.

MR. E. STANHOPE moved, as an Amendment, to add at the end of subsection "a"—

"Only one other person besides the occupier shall be permitted to use a gun for the purpose of destroying ground game."

He knew there were many hon. Gentlemen upon the Conservative side of the House who desired to take the sense of the Committee as to whether a gun should be allowed at all; but, in the first instance, his Amendment might well be submitted to the Committee. He had already explained the object of it, and on that account would not trouble the Committee with any further observations.

Amendment proposed to the proposed Amendment,

After the words "ground game," to insert the words "only one other person besides the occupier shall be permitted to use a gun for the purpose of destroying ground game."—(Mr. Stanhope.)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 91; Noes 173: Majority 82.—(Div. List, (No. 108.)

SIR WILLIAM HARCOURT wished to call attention to the sub-sections which he had placed on the Paper by way of an addition to the clause, with the object of limiting the right conferred on the occupier by that section. He



give him no trouble. Nothing pleased the tenant so much as to give his landlord a good day's shooting, and as to the feeling between them, the tenant was proud of his landlord. Nothing was more gratifying to him than to visit his own tenants. He hoped the Bill would pass in the form it was intended, and that hon. Gentlemen would not oppose it. The Bill would only make a difference to a few—those who over-preserved—and the fault of over-preserving was not the landlord's, but the game-keeper's.

THE CHAIRMAN: I must remind the hon. Gentleman that the Question before the Committee is simply whether the word "member" shall be omitted to insert the words "a member."

MR. D. DAVIES replied, he had said nothing before on the Bill; but he submitted to the ruling of the Chairman, although he had simply followed the example set by the two Front Benches. He simply went into the question of how many persons should be entitled to carry guns; and he thought if the tenant farmer had the right himself to nominate one other person, that was all that was required.

MR. LONG hoped he would not be charged with Obstruction if he made a few remarks. He proposed to move an Amendment that no shooting should be allowed. As to the arguments used by the right hon. and learned Gentleman the Home Secretary, he (Mr. Long) maintained that if shooting was to be allowed on farms, especially in small farms which abounded in his part of the country, it would be impossible for the tenant farmer to keep the sport for his landlord, to keep away poachers, and do other similar things. If shooting was allowed on farms, the first thing would be that they would have to part with gamekeepers. When shooting and popping of guns was going on all over an estate, it was impossible for the keeper to keep proper control over that estate. He would be always compelled to run looking about after them, and in the result would have to go to his master and tell him it was no use keeping him, because it was impossible for him to protect his employer's interests. He hoped the right hon. and learned Gentleman the Home Secretary would take that into his consideration, because he was sure a great many hon. Members

on both sides of the House shared his opinions, and he spoke impartially. For several years it had been his habit to allow his tenants to kill rabbits on their farms whenever and however they liked, except by the gun; and in no case had he found them take advantage of the privilege. His tenant farmers would despise him, and say that he acted as a cur, if he did not say this now, for when he was returned not a word was said about game. His tenants knew perfectly well if he was asked to vote for the abolition of the Game Laws he should meet them with an answer. They never asked him such a question. He accepted the challenge of the right hon. Gentleman the Chancellor of the Duchy of Lancaster; and he, for one, opposed the use of a gun at all by the tenants or occupiers of land. It was a privilege of the landlord, and one which should be kept by the landlord, and must be rigidly looked after, if they hoped to have any sport in the country. He thought it most unfair for those hon. Members who had enjoyed sport all their lives to say that their children should be deprived of it. He hoped his children would live to enjoy it as he had done. He felt sure he was only expressing the sentiments of the tenant farmers who supported him in his division when he said that he hoped guns would not be allowed, but that the sporting amusements of those who were privileged to have them in this country would continue. He apologized for having trespassed so long on the time of the Committee.

LORD ELOHO said, he had not had the slightest intention of saying a word on the Amendment. He was perfectly satisfied with the arguments he had heard from the hon. Members from Scotland, West Gloucestershire, and Wales at the back of the Treasury Bench. He could not help thinking that if the hon. Member for Cardiganshire (Mr. D. Davies), who spoke so sensibly on the question, had had charge of the Bill, he would have made a much better Home Secretary than the right hon. and learned Gentleman who had the conduct of the measure. His reason for rising was, because a delicate allusion had been made to him by a right hon. Gentleman who always endeavoured to spare the feelings of other people when he referred to them in the House, he meant the Chancellor of the Duchy of Lancaster (Mr. John

Bright). He (Lord Elcho) had risen to reply at the same time as the noble Lord the Member for North Leicestershire (Lord John Manners), and that noble Lord had anticipated the observations he intended to make. He had said that if the right hon. and learned Gentleman the Home Secretary wished the Bill to pass he should not allow the Chancellor of the Duchy of Lancaster to speak. For his part, he (Lord Elcho) would make it concurrent right between the two right hon. Gentlemen. Whenever the Chancellor of the Duchy of Lancaster got up and wanted to speak, the Home Secretary should have the right to stop him; and whenever the Home Secretary was on his legs to address the Committee, the Chancellor of the Duchy of Lancaster should have the concurrent right to prevent him, with the view of getting the measure through. The right hon. Gentleman had threatened them with extreme measures in order to pass the Bill, and possibly, as the right hon. Gentleman had said, his (Lord Elcho's) exhibitions in regard to the Bill had not been to his credit; but he wished, at the same time, to point out that for the last 33 years his views had not changed on this subject of game. Since 1847—as the hon. Member for Hertford could vouch—when he (Lord Elcho) resigned his seat for East Gloucestershire and became elected for Haddingtonshire, he had always protested, and he still stood there to protest, against what he considered vicious legislation. ["Agreed!"] He had been personally attacked, and he claimed the right of personal reply. The right hon. Gentleman opposite (Mr. John Bright) had directed the fire of his artillery upon him. Now, the first contest he had in this country was on a game question. A Mr. Welford stood against him—"Order, order!" and "Question!"—what he was saying was to the point, because they had been threatened with an appeal to their constituents. This gentleman to whom he referred published a book on the Game Laws, containing a preface. A preface by whom? Why, by the right hon. Gentleman the Chancellor of the Duchy of Lancaster. And what did that preface say. It was in the form of a letter to the author, and it said to the farmers of England this—

"The remedy is in your hands. The law has given you the game, and if by contract you choose to part with it you sign your own degradation."

That was a right and sensible view of the question, and he mentioned it to show not only that he had fought on the Game Question for many years, but that the views of the right hon. Gentleman the Chancellor of the Duchy of Lancaster were more rational in 1847 than they were at the present time. The right hon. Gentleman objected to the word "cantankerous;" but he was himself famous for his good Saxon, and he (Lord Elcho) should have thought that this was as good a Saxon word as could have been used. But the hon. and gallant Member for West Gloucestershire (Colonel Kingscote) had not applied it to all farmers. Far from it. He spoke of what he called an outside case, and they ought to guard against such cases—that was to say, cantankerous tenants who were always quarrelling with their landlords, and who would exercise the privileges contained in the Bill harshly, and to the destruction of game. Did they object to this principle of legislating for what were called outside cases? Why, the whole of their Irish legislation rested on such cases, the most extreme cases; and he therefore ventured to think that the Amendment was a sound one, as it simply guarded against the abuse of the power given by the clause.

SIR WILLIAM HARCOURT said, he was quite willing to agree to the concurrent-right arrangement suggested by the noble Lord, provided he (Lord Elcho) would also consent to be one of the silent Members. He hoped the Committee would now divide. He had no particular interest in that Proviso, and was perfectly ready to drop it, if the Amendment were agreed to up to this point. If that were done, he would abstain from moving any more of the Proviso. ["No, no!"] Well, he was bound to say that he had had very little encouragement. Since he had made the concession, he had been subjected to more hard language from the opposite side of the House than he had ever been subjected to before. He had no interest whatever in pressing this Proviso on the Committee, and he was quite willing to take the advice of his noble Friend and say no more. If the Committee wished it, he would withdraw the Proviso. He would move nothing further, and would leave the matter as it stood.

SIR EDWARD COLEBROOKE said, he did not wish to put the Committee to the trouble of a division; but it should be understood what was the question raised by his Motion. It went simply to the question whether there was to be a limit to the number of persons to be employed by the tenant. The principle of the Bill was in order to prevent abuse, to limit the power on the part of the landlords; and then, on the other hand, he thought they were bound to consider how the power on the part of the tenants should be limited. After the encouragement he had received, he thought it would be undesirable that the Committee should commit itself on the point at the present moment. There was much reason in the proposal he had made, more particularly in the form in which it was put by the hon. Member for Mid Lincolnshire (Mr. Chaplin) that there should be no limit as to ferreting, but that there should be some limit as to the number of persons employed. By getting rid of the Proviso the right hon. and learned Gentleman the Home Secretary would not get rid of the question, because it cropped up in the Bill in the Interpretation Clause. It was a question the Government should consider; and, therefore, after what had been said, he would defer it till the Report. He thought the proposals of the hon. Member for Mid Lincolnshire (Mr. Chaplin) would be a better way of dealing with the matter. He would ask the Government whether they could not, without injury to the tenant farmers, make the concession required. He hoped to be able to dine with some of his own tenant farmers in the course of two or three days, and to hear what they thought about it.

THE CHAIRMAN: Does the hon. Member wish to withdraw his Amendment?

SIR EDWARD COLEBROOKE: Yes.

MR. A. J. BALFOUR said, he had made many attempts to catch the Chairman's eye, but without success. By the Amendment, only one other person besides the occupier would be able to use the gun for the purpose of destroying ground game. Upon that came the suggestion of the hon. Member for Mid Lincolnshire (Mr. Chaplin), which was not at all, as it seemed to him, open to the objections urged before. It would

be well, therefore, to defer the matter until the Report.

SIR WILLIAM HARCOURT certainly thought this was neither fair on the Bill nor the Committee. What happened was this. The hon. Member behind him (Sir Edward Colebrooke) brought forward an Amendment which was intended to raise a certain question. A long time was spent in discussing that question, and now that they were ready to determine it, the Amendment was withdrawn in order that the same question could be raised again at some future time, and another hour or so spent upon it. If hon. Members wished to delay the Bill, he could not conceive a course more calculated to effect that object.

MR. A. J. BALFOUR said, that indirectly the right hon. and learned Gentleman the Home Secretary accused him of obstructing the Bill—"No, no!"—Well, it seemed to him so. He had endeavoured to catch the Chairman's eye six or seven times, to say that the discussion should not proceed, and that his was the better Amendment. Having failed to catch the Chairman's eye, he felt it rather hard that he should be blamed for it. He gave Notice to the Clerk at the Table that he was going to suggest that the matter should be taken on Report; therefore he did not think that he should be blamed.

MR. A. M. SULLIVAN said, he would ask the hon. Members for Hertford (Mr. A. J. Balfour) and Haddingtonshire (Lord Elcho), and the other Leaders of the Fourth Party, whether it would not be well now to allow the Committee to go to Business? Fancy Irish Members sitting there trying to facilitate Business, and listening to the noble Lord endeavouring to obstruct the Business of the Committee! After an Amendment had been proposed, and after they had lost nearly two hours in debating it—no, not in debating it, but rather in discussing across the Table personal issues—it was proposed to postpone the matter till the Report. He had to complain that they were threatened with the loss of another two hours, and complain on behalf of the Irish Members who remained there anxious to have the Business of the House got through, whilst all this obstruction was being pursued. He protested against it, and trusted that the Committee would note

duce as much as possible the friction which might result from it; and now seemed to him that the most friction would be caused by the occupier's agents and the gamekeeper. He thought it was not desirable to give more facilities than were possible of creating ill-feeling between the landlord and tenant. In all events, he thought the clause in its present shape would work very fairly in practice, and would create less friction than the Amendment now proposed by the right hon. and learned Gentleman.

MR. WALTER B. BARTELOT thought that it was utterly impossible to discuss a new clause they had never heard of or seen before at a moment's notice. The best thing for the Government to do would be to have the clause printed and laid before the Committee, so that they might know what they were going to discuss. The proposal made by the right hon. and learned Friend was one which he did not clearly understand; and, as the hon. Member for Hantsby (Mr. Heneage) had pointed out, it might have a tendency to encourage poaching. He would, therefore, suggest that, as it was within 10 minutes of the usual time, they should defer Progress, and have the clause printed before they resumed the consideration of the Bill in Committee.

MR. ALEXANDER GORDON suggested that an addition should be made to the clause to provide that the Inland Revenue officers should also be authorized to see the certificate of authority. The existing law would not allow them to do so, and they would have no right to demand to see the authority, unless provision were made for them in the Bill. He thought it would only be necessary to add the words "Inland Revenue officer." If that addition were made it would materially affect the Amendment which he (Sir Alexander Gordon) had lower down on the Paper in regard to notice. By that Amendment he proposed that a person should not be admitted to be duly authorized by the owner to kill ground game under notice until seven days after notice should have been duly served in accordance with the sub-section; and he proposed to insert the words "Inland Revenue officer," so that it would be necessary to serve the notice upon that individual. The seven days' notice

would enable the landlord to make inquiries as to what persons were authorized to exercise the privilege of shooting ground game. The right hon. and learned Gentleman had been good enough to act on this suggestion, and had inserted a provision requiring notice to be given within seven days after the shooting commenced; but when the Amendments were printed for the second time the paragraph relating to notice was struck out. The Amendment which he (Sir Alexander Gordon) had now on the Paper lower down was to provide that the shooting should not begin until seven days after the landlord and the Inland Revenue officer had notice. He thought that such a provision would prevent a good deal of annoyance. For instance, a landlord might go into a field to shoot and see a person already engaged in shooting, who would have just as much right to shoot as himself, but with regard to whose right he would be in complete ignorance from not knowing that any person had received permission to shoot. That might cause a collision between them, although both had an equal right to shoot. He therefore thought it was very desirable to require notice to be given of the names of all persons who were entitled to shoot.

MR. GIBSON said, the suggestion made by the right hon. and learned Gentleman the Home Secretary was, that the sub-sections now on the Paper were complicated, and it was only reasonable if the right hon. and learned Gentleman could suggest words that would carry out his intentions in a better way than they should be considered. But he thought the advantage of requiring some notice to be given should not be lost sight of. It was most desirable that the tenant should be called on to state clearly at some time to his landlord who were the persons authorized to shoot over the land in his occupation. It was highly necessary that there should be a good understanding between the landlord and the tenant, and that there should be no difficulty as to the right and authority of persons to kill ground game. He would suggest that, at all events, the earlier part of sub-section (d) should be retained, and then the rest of the sub-sections could be modified afterwards. If the right hon. and learned Gentleman considered it

ments as the right hon. and learned Gentleman himself. He had himself been waiting patiently for more than an hour to move an Amendment; but when they were charged, as they had been repeatedly, with obstruction, and especially by the hon. and learned Gentleman who spoke from the back Benches just now (Mr. A. M. Sullivan), he must venture to ask to be allowed to place this fact upon record—that there were at that moment, and had been for the last 2½ hours, two great obstacles delaying the progress of the Bill, both of which came from the other side of the House. One was a reasonable one, and the other was a most unreasonable one. One was the Amendment of the hon. Baronet the Member for North Lanarkshire (Sir Edward Colebrooke), which he (Mr. Chaplin) thought was worthy of discussion, and the other was the speech of the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright). The speech of the right hon. Gentleman had done more to delay the progress of the Bill than anything that had taken place during the whole of the discussion. He had merely risen to place these facts on record in vindication of hon. Members on that side of the House; and he trusted that if hon. Gentlemen opposite were anxious to see the Bill passed they would be a little more careful how they made unjust charges against hon. Members on that side of the House.

Question put.

The Committee divided:—Ayes 179; Noes 97: Majority 82.—(Div. List, No. 107.)

MR. J. W. BARCLAY moved, as an Amendment, in sub-section "a," line 2, to leave out the word "habitually."

MR. LABOUCHERE remarked that the alteration would not make any difference.

SIR WILLIAM HARCOURT: I agree to the Amendment.

MR. LABOUCHERE knew that the right hon. and learned Gentleman agreed; but he did not make any concession by doing so.

Amendment agreed to; word struck out accordingly.

MR. LABOUCHERE moved as an Amendment in sub-section "a," line 2, to leave out "resident," and insert "residing."

Mr. Chaplin

SIR WILLIAM HARCOURT said, that what was intended by the sub-section was that the son or nephew who was living with the farmer, or the widow woman, or the tenant, should be allowed to go out with the gun; but he did not think their intentions would be carried out if the word "residing" were used.

Amendment, by leave, withdrawn.

SIR WALTER B. BARTELOT moved, as an Amendment, in sub-section "a" line 3, to leave out "on the land" and insert "in the house." He hoped the right hon. and learned Gentleman the Home Secretary would consent to the Amendment. "On the land" seemed completely out of place for people who lived in houses on the land.

SIR WILLIAM HARCOURT did not think it would be wise to confine the residence to one tenement. On large farms some people lived in houses other than that of the farmer himself.

Amendment negatived.

SIR WALTER B. BARTELOT moved, as an Amendment, in sub-section "a," line 3, to leave out "persons in his ordinary employment on such land." He was aware the question had been raised before; but he ventured to raise it at that moment, because he hoped the right hon. and learned Gentleman the Home Secretary should see that to allow everybody employed on the land to kill hares and rabbits, by shooting or other means, would be to give a far greater power than was necessary. The hon. Gentleman opposite (Mr. D. Davies) had said that all that was wanted were one or two people to kill hares and rabbits, and that had been echoed by hon. Gentlemen in all parts of the House. The effect of giving every labourer the power to kill hares and rabbits would be that these men would become nothing better than poachers.

SIR WILLIAM HARCOURT thought that some discretion should be left to the farmer as to how many men he employed. He would not be likely to employ more men than were necessary.

Amendment negatived.

MR. CHAPLIN moved, as an Amendment, in sub-section "a," line 4, after "person," to insert—

"Not having been within five years convicted of any misdemeanour or other offence under

any Act relating to game, or poaching, or killing of hares and rabbits, and."

The Amendment was one which the right hon. and learned Gentleman the Home Secretary could well accept. It was a reasonable one, because its object was to prevent, by a farmer, the employment, as agent, of any person who was a notorious poacher, or who had been convicted of misdemeanour.

MR. A. M. SULLIVAN wished to ask the hon. Gentleman (Mr. Chaplin) if it was a fact that country gentlemen—landlords—were prohibited from employing as gamekeepers any of these men? He would like to ask the hon. Member if it was not notorious that the class to whom he belonged found old poachers very excellent gamekeepers? He would also like to ask, if the adoption of the Amendment would not afford an example of the grossest class legislation, unless the prohibition sought to be placed upon a farmer were placed upon a landlord?

SIR WILLIAM HARCOURT said, he could not accept the Amendment, because it would really create a new penalty. The effect of it would be to fasten the brand of disability upon a man who might wish, by honest employment, to recover his position. The farmer would have to inquire about the man who might have come from some distant part of the country; and if it were ascertained that he had committed some offence against the Game Laws, he would be marked as a man who had suffered a penalty, and would be debarred from employment for the purpose of killing or taking ground game. He could not conceive anything more socially unjust or undesirable, and he would rather tear the Bill to tatters than accept the Amendment.

MR. CHAPLIN said, the Amendment appeared to him quite the reverse to unreasonable. The hon. and learned Member for Meath (Mr. A. M. Sullivan) asked him if landlords were in the habit of employing old poachers? He could not speak for others; but, so far as he was personally concerned, nothing would induce him to take into his employ a poacher who was considered in the neighbourhood to be a notoriously bad character. As the right hon. and learned Gentleman the Home Secretary would not accept the Amendment, he would not put the Committee to the

trouble of dividing upon it; but, in vindication of himself, he must be permitted to tell the right hon. and learned Gentleman that it was very frequently the case that in a country parish, and adjoining almost every estate, there would be found three or four persons who were notoriously bad characters as poachers, and from the very fact of their being poachers they were exceedingly skilled in the destruction of game. He had understood the right hon. and learned Gentleman to say throughout that the object of the Bill was to protect the crops, and not to destroy sport. If the right hon. and learned Gentleman meant that he could not conceive anything more likely to destroy sport than to allow farmers to employ poachers or whoever they thought proper, he quite agreed with him.

Amendment, by leave, *withdrawn*.

MR. E. STANHOPE moved, as an Amendment, to add at the end of subsection "a"—

"Only one other person besides the occupier shall be permitted to use a gun for the purpose of destroying ground game."

He knew there were many hon. Gentlemen upon the Conservative side of the House who desired to take the sense of the Committee as to whether a gun should be allowed at all; but, in the first instance, his Amendment might well be submitted to the Committee. He had already explained the object of it, and on that account would not trouble the Committee with any further observations.

Amendment proposed to the proposed Amendment,

After the words "ground game," to insert the words "only one other person besides the occupier shall be permitted to use a gun for the purpose of destroying ground game."—(*Mr. Stanhope*.)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 91; Noes 173; Majority 82.—(*Div. List*, (No. 108.)

SIR WILLIAM HARCOURT wished to call attention to the sub-sections which he had placed on the Paper by way of an addition to the clause, with the object of limiting the right conferred on the occupier by that section. He

proposed to submit, in the first instance, sub-section (a), and then to move a single clause in place of sub-sections (c), (d), and (e), which he thought would be able to accomplish the object of those sub-sections in a more simple manner.

Question, "That sub-section (a) be added to the Clause," put, and *agreed to*.

SIR WILLIAM HARCOURT said, that what he now proposed was the addition of the following sub-section:—

"Every person so authorized by the occupier of the land, or by any person having a concurrent right to take and kill ground game, shall produce to the person authorized to demand it the document by which he is authorized, and in default shall not be deemed to be an authorized person."

That would enable the owner or person authorized to ascertain whether the person who was engaged in shooting, or in walking over the land, or doing anything on it, was an authorized person or not. He would have a right to demand to see the writ of authority; and if the writ of authority was not produced, he would be in the position he would have been in under the former law, in a case where a man was acting without authority. He hoped that hon. Members would see that this gave an adequate security. It was really of the same nature as the remedy which the Revenue had at present in regard to a certificate. If the owner of the land saw a person he did not know, he would be authorized to ask him to produce his authority. That, he believed, would answer all practical purposes, and would serve all the purposes he had proposed to accomplish by sub-sections (c), (d), and (e).

SIR MICHAEL HICKS-BEACH thought it was scarcely possible to discuss the Amendment in the limited time at their disposal; but he wished to ask one question, as he had not heard the first part of the Amendment. As the Amendments of the right hon. and learned Gentleman now stood on the Paper, they provided that notice of any authority given by the occupier to kill ground game should be served on any other person or persons entitled to kill and take game on the same land, and on the collector of Inland Revenue for the district in which the land was situated. He gathered from the remarks of the right hon. and learned Gentleman that, in future, no such notice would be

served, but that simply any person exercising the right conferred by the clause might demand to see the authority of any other person to kill ground game on the same land. The question was an important one, and it would be really impossible to discuss it before the hour for adjournment arrived. He therefore suggested that the best course would be to report Progress.

SIR WILLIAM HARCOURT said, he would not press the Committee to come to a decision upon the Amendment at once. With respect to the notice being served, it was thought that there might be some difficulty. A notice of seven or 14 days would be required; but it was thought that the best legal remedy against unauthorized persons exercising the right would be to give a right to see the writ of authority under which he acted, just as was done now for the protection of the Revenue. That seemed to him to be an adequate protection, and it would get rid of a good deal of trouble.

SIR MICHAEL HICKS-BEACH said, he could hardly agree with the right hon. and learned Gentleman on that point; but it was hardly possible for the Committee to discuss the question until they were able to see the exact words of the proposed Amendment. He thought the alteration proposed by the right hon. and learned Gentleman was likely to give trouble and create disputes. It would not be a pleasant thing for a person duly authorized to be met by a gamekeeper and asked what his authority was. It would be far better that the gamekeeper should be told beforehand who the persons were who were authorized to exercise these powers. If possible, he would propose an Amendment to that effect.

MR. HENEAGE believed the proposal submitted by the right hon. and learned Gentleman the Home Secretary would provide facilities for poaching, because the tenant, or any of his labourers, or any woodman, might bethere, but not having written authority, they would be unable to interfere, and would be required to stand by and see poaching going on without being able to put a stop to it. Looking at the question in a practical light, he thought it would be far better that it should be known who the people were who had the right to go upon the land. If the Bill were to pass, it would be very advantageous

*Sir William Harcourt*

ment which their Lordships seemed  
ish.

n Question? *Resolved in the Affirma-*

#### AFGHANISTAN—CANDAHAR.

##### QUESTION. OBSERVATIONS.

THE EARL OF CAMPERDOWN, in  
ing Her Majesty's Government to  
upon the Table the Papers relating  
the separation of Candahar from the  
gdom of Afghanistan, said, that the  
ats which were happening in Af-  
ghanistan were occupying, not unnatu-  
y, a very large share of public atten-  
ion. The progress of events in that  
ntry, and the future policy of the  
ernment, were questions of the  
most interest to every part of the  
ish Empire. Their Lordships would re-  
member that a few years ago a new policy  
announced by the late Government  
the establishment of a strong, friendly,  
independent Afghanistan; and he  
bound to say the result had been to  
e to Her Majesty's present Govern-  
t a legacy than which the late Govern-  
t had left none more difficult or per-  
ping. He would not enter now into  
question of the general policy of the  
Government in Afghanistan; but  
would merely remind their Lordships  
what its results had been, so far as  
erto they had developed themselves.  
results had been that Shere Ali,  
e, at the time the new policy was  
ated, was on the Afghan Throne,  
been driven from that Throne, and  
died in exile; that his son, Yakoob  
an, who succeeded him, was now a  
e prisoner in India; that thousands  
valuable lives had been sacrificed at  
ul and elsewhere, and a British En-  
and his Staff murdered; and that,  
the present time, there sat on the  
one at Cabul, Abdurrahman, who, at  
period he spoke of, was an exile  
n that country in Russia. He be-  
ed that if at the time the new policy  
first announced in that House, any-  
had told Her Majesty's Government  
the result would be to place on the  
one of Afghanistan a person at that  
e resident in Russian territory, and  
ported by Russian pay, they would  
e said that such a result was impos-  
e. Yet, that was what had actually  
rred. Not only had that been done  
ursuance of that policy, but the town

and district of Candahar had been sepa-  
rated from the Kingdom of Afghanistan.  
It was not necessary to review the his-  
tory of Afghanistan. The various divi-  
sions of that Kingdom—Herat, Cabul,  
and Candahar—had been for long united  
together by ties more or less close; but  
it sufficed to remember that in 1865 or  
1866, when Shere Ali succeeded in es-  
tablishing himself upon the Throne of  
Cabul, he from that time united under  
his rule the three districts he had men-  
tioned. Of those three, Cabul was the  
most mountainous and the poorest, and  
Candahar was the richest in point of  
Revenue, and, therefore, the most valu-  
able to the Ameer. But in pursuance  
of the policy of the late Government,  
and, he believed, by virtue of an ar-  
rangement made with Yakoob Khan,  
it had been determined to divide  
Candahar from the remainder of the  
Afghan Kingdom, and a Wali, known  
by the name of Shere Ali, had been  
established on the Throne of Candahar,  
certainly with a British Commission,  
and, he presumed, some sort of British  
guarantee. It might be a matter of  
serious doubt in the minds of many  
whether that was not an unfortunate  
policy to uphold. At any rate, it had  
proved so in its results; because the  
Wali, although not long established on  
the Throne, had already experienced a  
serious mutiny among his troops, which  
fact showed how slight his hold upon  
his Kingdom was. Their Lordships  
would recollect that it was only a few  
weeks ago that the Candahar Army  
was ordered out by Shere Ali to  
meet Ayoob Khan, who was approach-  
ing the city, and that on the way some  
of the troops deserted. General Bur-  
rows was sent to pursue them; and it  
was on that duty he found himself face  
to face with the Force of Ayoob Khan.  
Their Lordships knew the unfortunate  
disaster that resulted; but when that  
disaster had been repaired—when Ayoob  
had been defeated and his troops dis-  
persed, as they undoubtedly would be  
—then the question would rise of what  
hold the Wali of his own authority was  
likely to have on his people? He had  
not been able to control his Army, and  
did it not necessarily follow that the  
Kingdom of Candahar must be main-  
tained more or less directly by England?  
That was a serious matter to look for-  
ward to; but yet it was a state of affairs



necessary, the question of giving notice to the collector of Inland Revenue could also be dealt with. He thought the suggestion of the hon. and gallant Member opposite (Sir Alexander Gordon) would be quite sufficient—namely, that the collector of Inland Revenue should be authorized to ask for the authority, and that its production should satisfy him. He did not think the existing clause required any substantial change.

MR. WHITWELL thought that the right hon. and learned Gentleman, in his desire to facilitate the convenience of hon. Members who were interested in the Bill, had gone somewhat too far. It was not a case exactly similar to the granting of a game licence. Licences were generally given to persons who were known in the neighbourhood. If no notice were required and a written authority were all that was necessary, such written authority might be handed from one man to another on the estate, and it would be very difficult to identify the proper person, and to ascertain whether he was really the person who had the leave of the tenant.

MR. J. W. BARCLAY said, the clause as it stood, without the Amendment proposed by the right hon. and learned Gentleman the Home Secretary, would be unworkable. In the first place, the farmer would have to give written authority, not transferable; next, to send notice to his landlord; and, in the third place, if the game was let, he would have to send notice to the lessee of the shooting, and also to the collector of the Inland Revenue. He would have to take precaution to post all those letters to all those different individuals; and when all these conditions were observed no one could prove whether he had given written authority or not. The right hon. and learned Gentleman had done well in withdrawing these vexatious conditions, and merely stipulating that any person authorized by the farmer should have written permission, and be bound to show it to anyone who had the right to ask for it.

MR. CHAPLIN dared to say that the conversation which had taken place across the Table was very interesting; but it was quite unintelligible to those who had not seen the Amendments. He would request the right hon. and learned Gentleman to move to report Progress, so as to allow the Committee an oppor-

tunity of seeing the Amendment, or he (Mr. Chaplin) would himself move that the Chairman should report Progress, and perhaps the right hon. and learned Gentleman would inform the Committee on what day next week the Bill would come on again.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Chaplin.)

SIR WILLIAM HARCOURT said, he was unable to give the hon. Member any information at present as to when the Bill would be taken again. He had had a lesson, which he would not soon forget, in regard to fixing days for the future consideration of Bills.

MR. CHAPLIN asked if the right hon. and learned Gentleman could say before what day the Bill was not likely to come on?

Motion agreed to.

Committee report Progress; to sit again upon *Monday*.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

#### CLASS III.—LAW AND JUSTICE.

*Resolved*, That, in addition to the sum of £100,916 already granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature (exclusive of the Central Office) as are not charged on the Consolidated Fund, the sum of £100 be granted as an Allowance to the Gentleman of the Chamber to the Lord Chancellor, for discharging the duties of Purse-bearer, making together the sum of £100,916.

Resolution to be reported *To-morrow*:  
Committee to sit again upon *Friday*.

#### POST OFFICE SAVINGS BANKS BILL.

On Motion of Mr. HARCOURT, Bill to amend the Acts relating to Post Office Savings Banks, ordered to be brought in by Mr. HARCOURT, Mr. STANHOPE, and Mr. BRAND.

Bill presented, and read the first time. [Bill 309.]

And it being Six of the clock, Mr. Speaker adjourned the House till *To-morrow*, without putting the Question.

Mr. Gibson

## HOUSE OF LORDS,

Thursday, 12th August, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Bastardy Orders* \* (191); *Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 3)* \* (192).

*Second Reading*—*Metropolitan Board of Works (Money)* \* (185).

*Third Reading*—*Kinsale Harbour* \* (178), and *passed*.

*Royal Assent*—*Inland Revenue* [43 & 44 *Vict. c. 20*]; *Exchequer Bonds and Bills* [43 & 44 *Vict. c. 21*]; *Merchant Shipping (Fees and Expenses)* [43 & 44 *Vict. c. 22*]; *Elementary Education Provisional Orders Confirmation (Cardiff, &c.)* [43 & 44 *Vict. c. cliv*].

# REPORTING IN THE HOUSE OF LORDS —REPORT OF THE SELECT COMMITTEE.

## MOTION FOR AN ADDRESS.

LORD SUDELEY, who had the following Notice on the Paper:—

“That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to give directions that accommodation be provided for the newspaper reporters on each side of the Peers gallery under the two centre windows, the gallery now used by reporters being appropriated in lieu of the accommodation thus taken,”  
rose to move it—

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, before the noble Lord proceeded he wished to say that two or three days ago he heard that the reporters did not desire the change proposed. He thought that any feeling of that sort should be put into a proper form, which he would communicate to the House; and he had now received a resolution from the committee representing the reporting corps of several of the newspapers. The resolution stated that the gentlemen who reported in the Gallery were of opinion that if the proposed alteration were made it would not be practicable to report the debates in their Lordships' House without a double corps of reporters for each of the papers which reported them. The matter would require further consideration before any steps were taken towards making the proposed alterations.

LORD SUDELEY said, that his Motion was a formal matter after the Resolu-

tion which was agreed to. There had been considerable opposition to the alterations, and many Peers thought it would be better not to proceed in carrying them out until next year. Having communicated with the noble Earl (Earl Granville), and considering the opinions which had been expressed, he proposed not to proceed with the matter until next Session. He was always of opinion, in view of the evidence before the Select Committee, that the alterations would be satisfactory, and, at any rate, they could be tried until the end of the Session. The Committee sat for two months, and they endeavoured, to the utmost of their power, to obtain information from gentlemen in the Gallery and others; and they received strong evidence that the proposed alterations would place the reporters in a more comfortable position for hearing, and it was understood that the reporters were anxious for the change. There would be some difficulties in having seats on each side of the House; but, no doubt, they would be got over. He hardly knew, in the face of the statement of the noble Earl, what their Lordships would propose to do.

EARL GRANVILLE felt bound to say that his noble Friend at the Table (the Earl of Redesdale) had shown great firmness in resisting all the plans proposed in reference to these alterations. He was taken by surprise, and, no doubt, other noble Lords, at the statement just made. The Committee understood that there were great difficulties in hearing in the present Gallery, and they sat for a length of time with the view of finding some remedy, and the large majority the other evening, considering the numbers, decided what should be done. He thought he should meet their Lordships' wishes by saying that no positive alterations would be made this year; but that steps would be taken for trying the side Galleries as an experiment. This was an alteration recommended by a Committee, and it also seemed to have been recommended by reporters who gave evidence before the Committee. He would suggest that during the remainder of the Session the experiment should be tried.

LORD DENMAN said, he had practical proof of the difficulty of being reported in the present Gallery, as he had requested a professional reporter to take a special report of a speech for him, and

we were only too likely to see. There was another point of view from which he would like to ask their Lordships to consider the matter—namely, how far it was likely to affect the other parts of Afghanistan? What was most desired by any Ruler was Revenue to support the defences of his Kingdom; and from what point of view was Abdurrahman likely to look at that question? Supposing he should succeed in establishing himself permanently on the Throne of Cabul, was it not certain that he would very much desire to regain possession of the most valuable part of what before his time was Afghanistan? Was it not certain that in any attempt to carry out that view he would be most heartily supported by all the wandering tribes of Afghanistan? Supposing any difficulty should arise in that manner, there would be a most serious question for Her Majesty's Government to consider. It was only fair to the present Ministry to say that if remonstrances and predictions and warnings could have prevented the adoption of that policy, those warnings were uttered by the noble Duke (the Duke of Argyll), the noble Earl (the Earl of Northbrook), the late Lord Lawrence, and others in that House, who foresaw clearly the events that had since unfortunately occurred. That fact was a guarantee that the present Cabinet were fully alive to the responsibilities of this most important matter; but it was, nevertheless, desirable that all possible information should be in the possession of that House and the country. It was most desirable they should know all the events that led to the establishment of the independent Kingdom of Candahar, and whether it was by the initiation of the Indian or the Home Government. He was curious to know also upon whose authority the Wali, Shere Ali, was selected as the future King, and what knowledge we had at the time of his military fitness for such a post; also, what guarantees, if any, we gave to him? He would also like to learn what negotiations had been entered into with Yakoob Khan, and what negotiations and agreements, if any, had been made with his successor on the same points? In conclusion, he hoped Her Majesty's Government would find it consistent with public interest to lay all the information before them at no distant time; and, although he trusted there might not here-

*The Earl of Camperdown*

after the occasion to debate the matter in the House, he, for one, would look forward to the production of the Papers with great interest.

EARL GRANVILLE: My Lords, I beg to acknowledge the very friendly tone exhibited towards the Government by the noble Earl, by the way in which he has brought the question forward. I am sure your Lordships will feel that it would be difficult for me to go into this question at the present moment. I have had communications with my noble Friend the noble Marquess the Secretary of State for India, and he has authorized me to state that Papers are being prepared for presentation to your Lordships and the other House of Parliament; but it will require very careful consideration as to what amount of the information which has been asked for by the noble Earl could at this moment be properly produced.

LORD STANLEY or ALDERLEY hoped too much attention would not be paid to the argument that our troops should not be withdrawn from Afghanistan, as we should not be fulfilling the engagements which had been entered into with those persons who had supported the British policy. He also, without intending the slightest disparagement to the noble Marquess the Secretary of State for India, regretted that the noble Duke (the Duke of Argyll) had not been charged with the duties of the India Office, to carry out the policy which he had previously expressed in his speeches and books; for in that case nobody could have believed or alleged that in withdrawing from Afghanistan he was actuated by fear or pressure. Our honour and our obligations would be satisfied if a pension were granted to Shere Ali, the Wali of Candahar, sufficient for himself and his dependents, as these were about the only persons who could not remain in Afghanistan after our departure. If there were any others, room could be found for them in the Indian Army.

#### ARMY—CONDITION OF REGIMENTS EMBARKING FOR SERVICE IN INDIA.

##### MOTION FOR A RETURN.

LORD STRATHNAIRN moved for a

"Return of the non-commissioned officers and privates of 1st-23rd, 77th, and 1st-R.B., as they embark for active service for India, showing ages, length of service, and number who have not completed their drill and musketry instruc-

tion; also, number drawn to complete for service from other regiments, in a classified tabular form; also, similar Return respecting the 2nd-24th, 61st, and 98th, going to India from the Mediterranean; and also, similar Return respecting the 26th, 38th, and 41st as they embark for the Mediterranean to relieve; also for the Report of the General commanding the brigade marching a few years since from Aldershot to Windsor when a collapse of the brigade, owing to tender age and physical debility, took place on the high road between those two places; with a report of the General commanding and of the responsible medical officer."

The noble and gallant Lord thought that, in view of the Notice which had been given for the discussion of the re-organization of the Army and the production of the Report of Lord Airey's Committee, such Returns would be extremely valuable.

THE EARL OF MORLEY assured the House it was far from the desire, either of the War Office or the Commander-in-Chief, to conceal anything as to the state of the Army, and they were only too glad to give the public any particulars or details which might interest them, or which they had a right to ask for; but he submitted to the House, as a matter of policy, whether it was desirable to give those very full Returns of regiments actually ordered for war, and which might, possibly, take part in an active campaign. He admitted there was a precedent for making such a Return; but he thought it was a precedent which it was scarcely safe to follow; and he hoped, in the interests of the Public Service, that the noble and gallant Lord would not press his Motion. The War Office would be happy to give him privately the information he desired; but to publish that information, not only to the British public, but to the world, might be a very dangerous proceeding. At the same time, he might say that, as regarded the regiments in question, there was no reason whatever, as far as the condition of the troops was concerned, to conceal anything from the House or the country. The regiments were in a satisfactory condition to take part in foreign service. With regard to the second Motion of the noble and gallant Lord, the wording was somewhat curious, because the noble and gallant Lord assumed certain details, and then asked for the Report of the General commanding the brigade, in order to ascertain whether he was accurate or not in those details. This so-called collapse occurred no less

than three years ago; and it was rather irregular to ask for full information about a comparatively minor event which took place three years ago. There were, no doubt, reports of men falling out of the ranks on the occasion referred to; but there were circumstances which tended somewhat to lessen the importance of what then took place. As the views of the noble and gallant Lord on military matters were entitled to great weight, he hoped he (Lord Strathnairn) would name a day for his Notice relating to the military movements in Zululand.

THE DUKE OF CAMBRIDGE said, that the authorities at the War Office were quite prepared to listen to any request which the noble and gallant Lord might wish to make to them; but it would be extremely inconvenient to give the information asked for in the shape of a published Return, which would go all over the world. It would be inconvenient even in the interests of the Home Service. Although there might be nothing serious in giving the information on the present occasion, yet if it were given it would be quoted as a precedent on a future occasion, when serious consequences might be involved. With regard to the particular regiments to which he referred, it so happened that they were in a very efficient condition. He had seen one of those regiments, and he was sure that if the noble and gallant Lord had seen it it would have given him entire satisfaction. As the House was aware, a considerable difficulty was often created by a sudden emergency; but he believed the Government was quite alive to the necessity of being able to meet emergencies of the kind which had just arisen. All these questions had a great deal to do with that which underlaid the whole subject, and to which reference had been made—namely, the organization of the Army under the short-service system. The present was a very inopportune time at which to discuss that question; and he did not see any advantage in the production of these Returns, nor could any benefit arise from the discussion of occurrences which took place three years ago. Under these circumstances, he hoped the Motion would not be pressed. As to the subject of which his noble and gallant Friend had given Notice, either it should be taken off the Paper or proceeded with on an early day.

LORD CHELMSFORD wished to put a Question to the noble and gallant Lord with regard to a Motion which he had placed on the Paper regarding the Court of Inquiry which was held into the disaster at Isandula. When that Motion was first given, on the 12th of July, he (Lord Chelmsford) wrote asking the noble and gallant Lord to postpone it to the end of July, and the noble and gallant Lord had done so. He had since written asking the noble and gallant Lord when he was to bring it on; but the noble and gallant Lord had not made any reply. He had been in waiting in town in expectation that it would be brought on. He was anxious to afford the House every explanation in his power of his conduct during the time he had the honour to command Her Majesty's Forces in South Africa; and he hoped the noble and gallant Lord would tell them whether he intended to bring it on or not.

LORD STRATHNAIRN said, he complained that the recruits of our Army were now too young. Medical men were of opinion that young lads did not attain that strength which was necessary for a soldier in campaigning until they reached the age of 20. With regard to what had been said by the illustrious Duke, that this was not a proper time for bringing forward the subject, he could only say all he asked was that the evidence given before the Committee should be laid on the Table of the House. Nothing, in his opinion, could be more inopportune, or more detrimental to the interests of the country, than that the Report of General Adye's Committee should not be produced. The two reasons which had been assigned for not giving it were totally invalid. One was that it would betray our weakness to foreign Powers, and that the new Secretary of State for War had not yet had time sufficiently to consider it. To suppose that foreign Powers were not acquainted with the present state of our Army was a great mistake, and argued a total ignorance of diplomatic arrangements. So far as he knew, the universal opinion of military men was that the Report should be laid on the Table. The other reason, that the new Secretary of State had not had time to learn his lesson, was equally unsatisfactory. He could not conceive a greater want of statesmanship or knowledge of

the world and political events than that the right hon. Gentleman, with all his talents and official resources, should be unable, in four months, to give an opinion on such a subject. With regard to the other matter, he would certainly endeavour to meet the wishes of the noble and gallant Lord (Lord Chelmsford). He had no doubt their Lordships would rather be on the moors than in that House; but while Parliament continued to sit they must do their duty.

THE DUKE OF ARGYLL only wished to say one or two words on this subject. If the noble and gallant Lord wished to discuss the question of short or long service and the general state of the Army, that was a very large question, and the present time of the Session did not seem very advantageous for the purpose. But that was not the point. It was this—in a previous speech, which was interrupted by a noble Viscount not now present, the noble and gallant Lord (Lord Strathnairn) made some observations severely commenting on the military knowledge and skill of the officers employed under the noble and gallant Lord (Lord Chelmsford) opposite.

LORD STRATHNAIRN: Not the officers, but the men.

THE DUKE OF ARGYLL begged the noble and gallant Lord's pardon; but he had spoken not merely of the efficiency and physical strength of the men, but he alluded distinctly, and more than once, to the want of knowledge of the art of war.

LORD STRATHNAIRN: Certainly want of knowledge of the art of war; but I did not mention the officers.

THE DUKE OF ARGYLL: Well, the knowledge of the art of war did not belong to the common soldier, and the remark was clearly pointed against the officers. The noble and gallant Lord opposite (Lord Chelmsford) therefore, having had a charge of this kind made against him and his gallant comrades, had a right to complain that it was not brought on when he could reply to it. The noble and gallant Lord, having made the charge, was bound to name a day this Session when he would bring it forward.

LORD STRATHNAIRN said, he would name a day, and that very shortly. He should be glad of the opportunity of setting the matter right. What he said was, that after what had taken place at

Her Majesty's Government with the other European Powers in reference to a demonstration by the armed forces of Her Majesty in support of any policy in reference to which negotiations have been carried on; and, whether they will enter into those negotiations?

MR. CHARLES W. DILKE: I do not know to what Papers my hon. Friend refers. I have already stated, in the course of the present week, what is the intention of the Government upon this subject. There are difficulties arising from the absence of consent on the part of the other Powers to the publication of Papers on the question; but Her Majesty's Government will, during the session, either make a statement or give answers to the House.

#### POOR LAW (IRELAND) — CASTLEBAR UNION—OUT-DOOR RELIEF.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that the Guardians of the Castlebar Poor Law Union have refused to grant out-door relief to distressed persons on the plea that the heads of the families to which they belong are employed and earning wages in England; and, if so, whether he does not think such action on the part of the Guardians likely to be attended with hardship and injustice to the poor; and, whether he will take steps to secure that relief shall not be withheld from really distressed persons on the ground stated?

MR. W. E. FORSTER: The hon. Member asks me if it is true that the Guardians of this Union have refused to grant out-door relief to distressed persons on the plea that the heads of the families to which they belong are employed and earning wages in England. I have no reason to suppose that the Guardians refuse relief on that ground. They have had applications from 43 families, the heads of which are in England; and relief is being given to 21 of these families, and refused to the other 22, on the ground that they were not in such circumstances of distress as would entitle them to relief. The Castlebar Union, at the present time, relieves 555 persons through out-door relief; and I have every reason, from the information I have obtained, to believe that in the majority of cases the relief is of a liberal kind.

MR. O'CONNOR POWER: I do not think the right hon. Gentleman has answered the last part of my Question; because, whatever may be the state of the facts, I would like to know whether he would take steps to secure that relief will not be withheld from persons on the plea stated in the Question?

MR. W. E. FORSTER: I think I answered the Question; but, undoubtedly, the Guardians, if they simply refused relief on that ground, and if the families were in such distress as to require relief, they would not be justified by law in refusing it.

#### PRISONS (IRELAND) ACT—PRISON REGULATIONS—CASTLEBAR GAOL.

MR. O'CONNOR POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that an unconvicted prisoner now confined in Castlebar Gaol is prohibited from taking exercise in the yard attached to the portion of the prison in which he is placed; and, if so, whether he will send instructions to the Governor of the Gaol to allow the said prisoner daily exercise, according to rule; and, whether he will take care that no prisoner, whether awaiting trial or convicted, in any part of Ireland, shall be deprived of daily exercise, except where such punishment is inflicted in accordance with prison discipline for offences committed within the prison?

MR. W. E. FORSTER: I am informed that there are three unconvicted persons at present in Castlebar Gaol, and they each get two hours' daily exercise in the yard according to the Prison Rules. Those Rules provide for exercise for all prisoners; and I have no reason to suppose that they are not duly carried out.

#### LAW AND JUSTICE—THE PRISONS SERVICE (ENGLAND AND IRELAND).

MR. WILLIAM CORBET asked the Secretary to the Treasury, with reference to an abstract of an account just placed in the hands of Members, in pursuance of the Act 4th and 5th William 4, c. 24, of every increase and diminution which has taken place in the year 1879 in the number of persons employed, or in the salaries, emoluments, allowances, and expenses of all public offices or departments; whether his attention has been drawn to the differ-

ment, and No. 150, of March 13th 1880, Home Department, do not contravene the provisions of s. 56 of the stat. 21 and 22 Vic. c. 106, in that they alter the terms of service, and the title to pay pensions, allowances, privileges, and advantages as regards promotion of the officers of the Indian Medical Service; whether such orders are not so far illegal and void; and, what redress it is proposed to grant to such officers of the Indian Medical Service as have already been prejudicially affected by the operation of these orders, and what steps it is proposed to take to prevent their further operation?

THE MARQUESS OF HARTINGTON, in reply, said, he was under the impression that the Orders referred to did not contravene the provisions of the Act mentioned in the Question of the hon. Member. He had, however, sent a despatch to India which contained a report of a deputation he received some time ago from the Indian Medical Service, in which report the complaints arising under these General Orders were stated at full length. He had requested the Government of India to give him a full expression of their views on the subject.

#### PARLIAMENT—BUSINESS OF THE HOUSE—CORN RETURNS BILL.

MR. DUCKHAM asked the President of the Board of Trade, Whether the Government could promise an early day for the Corn Returns Bill?

MR. CHAMBERLAIN, in reply, said, the Bill to which his hon. Friend referred did not propose in any way to deal with the tithe settlement of the year 1836; but simply endeavoured to remedy a grievance, of which the farmers complained, as to the method by which the Corn Returns were now taken. It was, therefore, desirable that it should pass into law. At the same time, it would be impossible to proceed with it if there was serious opposition. He had been rather surprised at the Notice of opposition which appeared in the name of an hon. and gallant Member on the other side of the House (Colonel Barne); and he would appeal to that hon. and gallant Gentleman to withdraw the Notice, in order that the Bill might be discussed after half-past 12 o'clock. If the hon. and gallant Member declined to accede

*Mr. Pugh*

to that request, there would be very little chance of the Bill being proceeded with this Session.

#### CONFERENCE OF BERLIN—GUARANTEE OF TURKISH TERRITORY.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether any intimation was given in the letter addressed by Her Majesty to the Sultan, or whether Her Majesty's Government have intimated to the Porte, that, in the event of the Sultan yielding to the recommendation of the Powers recently assembled in conference at Berlin, and ceding to a neighbouring Power certain provinces of his Empire, the possession of the territory in Europe then remaining to the Sultan, and recognised as Turkish territory by the Congress of Berlin, will be guaranteed to His Majesty the Sultan by the Powers represented at the recent Conference?

SIR CHARLES W. DILKE: No such intimations as those referred to by the hon. Member have been made either to the Sultan or the Porte; but it is the fact that Her Majesty's Government have received from certain quarters the suggestion, to which they see no objection in principle, that in the event of Turkey consenting to carry out the terms prescribed by the Congress and by the Conference of Berlin, the Powers should place on record their intention not to demand further concessions.

SIR STAFFORD NORTHCOTE: Has any answer been given to that suggestion?

SIR CHARLES W. DILKE: The Correspondence on the subject is proceeding at the present time.

MR. OTWAY: Is that the proposal of the Austrian Government?

SIR CHARLES W. DILKE: No, Sir. I have said that Her Majesty's Government have received this suggestion from several quarters, and that they see no objection in principle to it.

#### TURKEY—RUMOURED NAVAL DEMONSTRATION.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether the Papers which he proposes to lay upon the Table of the House will contain any account of the negotiations which may have been entered into by

ready to abide by the understanding. Under these circumstances, the Admiralty are not prepared to reverse the decision of their Pressors.

#### STREET AND ROAD TRAMWAYS— THE RETURN.

MR. WHITWORTH asked the President of the Board of Trade, Whether it is intended to publish a Return of Street and Road Tramways, in continuation of the Parliamentary Paper, No. 367, of the Session 1879; and, if he would explain the particulars required to be sent annually to the Board of Trade by the Tramway, under "The Railways Regulation Act, 1871," are not included in the Returns published by that Board in pursuance of that Act?

MR. CHAMBERLAIN: The Return of street and road tramways in continuation of the Return of last Session ordered by the House in an amended motion on the 5th of July, and will be published as soon as it is ready. The particulars required to be sent in annually under the Railway Regulations Act, 1871, are not, so far as concerns tramways, included in the Return published in pursuance of that Act. Whatever doubt may exist as to the wording of that Act with respect to tramways authorized by special Act, that Act does not apply to the numerous tramways authorized by Provisional Order, and the particulars required by the Scheme to that Act would require much modification to make them applicable to tramways. It appears, therefore, that the information required is given more completely and more conveniently in the form of a Parliamentary Return above referred to, as ordered by the House, and would be the case if it was attempted to give it under the Regulation of Railways Act.

#### STATISTICS (IRELAND)—POTATO DISEASE.

MAJOR NOLAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he would request the Registrar General to include in the annual Irish statistics, information as to the percentage of disease in each of the different kinds of potato?

MR. W. E. FORSTER: The hon. gallant Member asks me whether I will request the Registrar General

to include information as to the percentage of disease in each of the different kinds of potato in his next Return. I am glad to find that the Registrar General sees no difficulty in getting this information, and the Returns up to October will be furnished in April next. I think the information will be useful, and I am much obliged to my hon. and gallant Friend for his suggestion.

#### EASTERN SEAS—THE ISLANDS OF SAMOA.

MR. A. M'ARTHUR asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have any objection to lay upon the Table any Correspondence which may have taken place relative to the establishment of a joint Consular authority in the islands of Samoa, and to further arrangements for the government of the group; and, whether Her Majesty's Government have received any communication from the King of Samoa asking for advice as to the government of his islands?

SIR CHARLES W. DILKE: The King of Samoa has asked the advice and assistance of Her Majesty's Government in the government of his Islands. The affairs of Samoa are still occupying the attention of Her Majesty's Government; and it would be premature to lay upon the Table the Correspondence referred to till it can be presented in a complete shape.

#### THE COMMISSION ON BOUNDARIES OF CITIES AND TOWNS (IRELAND).

MR. CORRY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state when the Commissioners appointed to inquire into the Boundaries of Cities and Towns in Ireland will make their report?

MR. W. E. FORSTER: The Boundaries Commission has been extended to the 31st of October; and I am informed that the Commissioners have taken steps to have their Report completed by that date.

#### ARMY (AUXILIARY FORCES)—THE WORCESTERSHIRE MILITIA.

SIR EDMUND LECHMERE asked the Secretary of State for War, Whether



ence under Class III. shown to exist between England, Scotland, and Ireland respectively in the salaries and expenses of the prisons departments, the cost in England having increased by £66,303, in Scotland by £21,587 2s. 11d. while in Ireland the increase amounts only to £2,445 1s. 8d.; and, whether this difference is not owing to the fact that Ireland has latterly enjoyed immunity from crime as compared with any other part of the United Kingdom; and, if the difference does not arise from this cause, whether he can state why so great an increase took place in the cost of the departments in England and Scotland during the past year as compared with Ireland?

LORD FREDERICK CAVENDISH, in reply, said, that the account to which the hon. Member had referred was made up under 4 & 5 Will. IV., c. 24, s. 22, an Act which was passed when the detailed information, which was now much better given in the Estimates and Appropriation Accounts, was not laid before Parliament. The Return appeared to be now, therefore, obsolete, and was very apt to convey false impressions; because, under the provisions of the Act of 1834, the account was made up for the calendar year. Since that date the close of the financial year has been altered from the 5th of January to the 31st of March; and it was, therefore, obvious that if large payments were made in one year at the end of December, and in another at the beginning of January, a fictitious increase or decrease would appear in the account. In the present instance, the increase in the English and Scotch prison expenditure arose from the fact that the Prisons Act (40 & 41 Vict. c. 21 and 53) came into effect on the 1st of April, 1878; consequently, in the year 1878, only nine months' expenditure was included in the Return, as against 12 months in 1879. It was true that a proportionate increase should have been shown in Ireland, as the Prisons Act for that country (40 & 41 Vict. c. 49) came into effect at the same time. But, whereas in England and Scotland the salaries and wages of the prison officials, transferred from local to Imperial funds, were included in the Return, the Prisons Board in Ireland considered that these officers did not properly come under the terms of the Act of 1834; and they, therefore, only returned

the salaries of their own officers, which showed the slight increase quoted by the hon. Member. An examination of the Estimates for the last four years would give the real comparison between the prisons expenditure of the Three Kingdoms. It would then be seen that there was no material increase in that expenditure during the past year in any one of the three parts of the United Kingdom.

#### NAVY—MAJORS OF MARINES.

MR. GABBETT asked the Secretary to the Admiralty, Whether it is true that substantive Majors of Marines have, in spite of their earnest protest, been ordered to perform the duty of Captains when embarked, such duty being opposed to the regulations of the service; and, if he would consider the advisability of rescinding the Order in question, and allowing Majors of Marines to perform the legitimate duty of their rank, and to which they were appointed without any stipulation on their promotion?

MR. SHAW LEFEVRE: It was with the distinct understanding, when the rank of Major was restored to the Marines in 1878, that Majors, when on board ship, should perform the duties of Captains. Last year two or three officers who had been appointed Majors protested against being called upon to perform the duties of Captains when embarked. In consequence of these protests, a letter was written by the late Board to the Deputy Adjutant of Marines, reminding him of the understanding upon which the rank of Major had been created, and informing him that this understanding must be completely carried out, or the rank would be abolished, and he was asked which alternative he considered in the best interest of the Service. His reply was that he considered it better in the interest of the Service that the understanding should be carried out than that the rank of Major should be abolished. I find also that there was a meeting of Captains and subaltern officers of Marines at Chatham in October last, at which the Commandant was requested, on behalf of these officers, to inform the Admiralty that the officers who protested did not represent the views of the officers of the division, and that they

*Mr. William Corbet*

arrangements at South Kensington, space cannot be found for the valuable collection of Models and Machinery in the Patent Office Museum; and, whether he is aware of the repeated promises of his predecessors to provide proper accommodation for the Patent Museum?

MR. ADAM: In answer to my hon. friend, I beg to say that the Natural History Museum has now been handed over by the Office of Works to the Trustees of the British Museum; but I do not apprehend that there will be any spare room in that building when the collection is removed to it. There is no space that I am aware of which can be made available at present for the purpose of exhibiting the models and machinery in the Patent Office Museum, either at South Kensington or in any other buildings under charge of the Office of Works. I am aware of the promises that have been made by my predecessors to give this matter their consideration; and I regret that it has not been possible for them or for me to take any action in a matter of which I fully recognize the importance?

RAILWAYS (IRELAND) — THE GREAT SOUTHERN AND WESTERN RAILWAY COMPANY OF IRELAND AND THE WATERFORD AND LIMERICK RAILWAY COMPANY—THE LIMERICK JUNCTION.

MR. E. STANHOPE asked the President of the Board of Trade, If his attention has been called to the statement of Sir F. Peel, in the course of a recent case heard before the Railway Commissioners between two Irish Railway Companies, that the Railway Commissioners

"Understood that the parties desired that the inquiry should be held in London as a question of convenience;"

and, since his attention was last called to the subject, he has made further inquiry into the circumstances; and, if he can state what was the "convenience" referred to?

MR. GIBSON: At the same time, I beg to ask the President of the Board of Trade, If the arrangements for the holding of the late inquiry into the differences between two Irish Railway Companies (Great Southern and Western Railway Company and Waterford and

Limerick Railway Company) in England rather than in Ireland, were made by Correspondence between those Companies and the Railway Commissioners; and, if so, whether there is any objection to laying such Correspondence before the House; and, in the event of the arrangements being made by parol, if he can state how the same were originated and carried out?

MR. CHAMBERLAIN: In reply to the right hon. and learned Gentleman the Member for the University of Dublin, I have to say that it appears there was no correspondence between the Railway Companies and the Railway Commissioners with respect to the locality in which the late inquiry was to be held. I am informed by the Railway Commissioners that when the application was brought into their office the solicitors of the Waterford and Limerick Railway Company said it would be for the convenience of the parties to hold the investigation in London. No application was made by either of the parties to have the case held elsewhere. In reply to the Question of the hon. Member for Mid Lincolnshire, as to the reasons for the application of the Waterford and Limerick Railway Company, I have received a telegram from the Secretary of the Company, in which he says that it would be extremely inconvenient to have had this case heard in Dublin. Eminent English counsel were engaged nine months ago, and it would have involved enormous expense to have brought them over to Dublin. The witnesses were few, and the cost of their conveyance will, owing to friendly arrangements with an allied Company, be small. Under all circumstances, it was considered better that the case should be heard in London.

#### PUBLIC WORKS LOANS ACT—LOANS BY LOCAL BODIES.

MR. DAWSON asked, Whether the Government will next year propose the appointment of a Select Committee to inquire into the system of loans by local bodies, with a view to removing the inconveniences caused by the Public Works Loans Act, and of facilitating the raising of loans from other than Government sources by local representative bodies?

Lord FREDERICK CAVENDISH: The hon. Gentleman raises an important

ther it is a fact that the annual training of the Worcestershire Militia Regiment, at the 22nd Brigade Depot, Worcester, was brought to a premature termination in consequence of the defective and unhealthy condition of the camping ground, which it appears from the remarks of the inspecting officer was unsuited for its purpose as a Military Camp; and, whether the War Office authorities will either have the ground properly drained and otherwise improved, or allow the Regiment to go elsewhere for its next annual training?

MR. CHILDERS: In reply to my hon. Friend, I may state that I cannot find that the annual training at Worcester was brought to a premature conclusion in consequence of the condition of the ground; but the reports of its condition are not satisfactory, and some expenditure will have to be incurred for its better drainage.

#### DOMINION OF CANADA—THE "SCOTT TEMPERANCE ACT, 1878."

SIR ALEXANDER GORDON asked the Under Secretary of State for the Colonies, If he will lay upon the Table of the House a Copy of the Act of the Canadian Parliament usually known as "The Scott Temperance Act, 1878?"

MR. GRANT DUFF: Yes, Sir.

#### AFGHANISTAN—DEFEAT OF GENERAL BURROWS'S FORCE—THE NATIVE INDIAN REGIMENTS.

SIR HENRY HAVELOCK-ALLAN asked the Secretary of State for India, Whether, in view of the recent grave disaster to our troops near Candahar, which is stated to be mainly attributable to the native troops having been unable to hold their ground after having lost nearly the whole of their British Officers, and in view of the opinion held by many competent authorities that a system which leaves native Indian regiments with only six or seven British Officers, is not calculated to make such troops efficient for modern war or in the presence of breech-loading arms, he will cause a searching inquiry to be made into the causes of that disaster, and especially as to whether the experience of the late campaign in Afghanistan is favourable to the retention of a system which is liable to leave native troops, at critical mo-

ments, entirely deprived of the example and leading of British Officers?

THE MARQUESS OF HARTINGTON: I am certainly of opinion that a searching inquiry ought to be made into the cause of the reverse met with by our Army in the neighbourhood of Candahar, and, no doubt, such an inquiry will shortly be instituted by the Government of India. I am also of opinion that at the close of the war it will be extremely desirable that the experience which has been gained should be made use of for the purpose of inquiring into the efficiency of the Native Army, and of making any improvements in its organization which that experience may suggest.

SIR GEORGE CAMPBELL wished to know whether information had been received, as stated in the Question, that the defeat was mainly attributable to the Native troops having been unable to hold their own after losing nearly the whole of their British officers; or whether this was merely the inference of his hon. and gallant Friend (Sir Henry Havelock-Allan)?

THE MARQUESS OF HARTINGTON: My hon. Friend is quite right. The House is aware that the only accounts of the defeat which have been received are telegraphic reports, which must necessarily be extremely brief. The details, as to the disaster and the causes of it, are extremely incomplete.

#### ARMY—REGIMENTAL COLOURS.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether, before the next Session, he will consider the propriety of discontinuing the antiquated institution of "Colours of a Regiment," and thus place Regiments clothed in red on a similar footing with those clothed in green?

MR. CHILDERS: In reply to my hon. and gallant Friend, I can only say that I will, during the Recess, consult the military authorities about regimental colours; but, at present, I can express no opinion on the subject.

#### THE PATENT OFFICE MUSEUM.

MR. HINDE PALMER asked the First Commissioner of Works, Whether, in a portion of the new Natural History or other buildings, or by other

*Sir Edmund Lechmere*

ceroy were that under no circumstances was General Burrows' force operate on the other side of the elmund. Any operation for the defence of these dominions thought necessary by the Wali on the other side of the elmund were to be conducted by himself, and it was on the other side of the elmund that they deserted. They are never acting with the orders or in concert with General Burrows.

ROYAL COLLEGE OF SCIENCE AND ART (DUBLIN)—ATTENDANCE.

MR. SEXTON (for Mr. O'SHAUGHNESSY) asked the Vice President of the Council, If he will lay upon the Table the House a Return showing the number of pupils attending the Royal College of Science and Art in Dublin during the year 1879, in its various classes, and the results of any examinations held to test the progress of the pupils of the institutions during that year?

MR. MUNDELLA: If the hon. Gentleman will move for a Return I will give it to him.

MR. SURGEONS MAJOR OF HOUSEHOLD CAVALRY.

CAPTAIN MILNE HOLME asked the Secretary of State for War, Whether he will consider the case of Surgeons Major Household Cavalry who have paid for their Commissions and are now, under warrants issued subsequent to their appointment, compulsorily retired at the age of fifty-five years without compensation; and, whether these Officers, being debarred from promotion to the rank of Deputy Surgeons General, might be allowed to serve until they reach the age of sixty, so as to prevent their being placed in a worse position than medical officers throughout the rest of the Army?

MR. CHILDERS: In reply to my hon. gallant Friend, I have to say that this is the first time that I have heard of the existence of the Purchase system among medical officers of the Army, and I cannot undertake to recognize it. I will look into the subject of the second Question; but I very much doubt whether medical officers of the Household Cavalry have any claim to more favourable treatment.

THE WAR DEPARTMENT—THE PIMLICO FACTORY.

SIR CHARLES RUSSELL asked the Secretary of State for War, What steps he proposes to take in respect of the serious grievances complained of by the needle women and other workers in the Pimlico Factory, as set forth in the Petition addressed by them to the House of Commons?

MR. CHILDERS: My attention, Sir, has been called by the hon. and gallant Baronet to a Petition, which he presented last Friday, from Captain Bedford Pim, as the chairman of a public meeting of needlewomen, employed at the Factory at Pimlico under the War Department. The Petition states that a Memorial was presented to Parliament by the Petitioners last year praying for inquiry about their pay, although I cannot find that any such Memorial was presented to the House of Commons; and it requests that the grievances of the Petitioners may be investigated by a Committee of this House. The facts are these:—In April, 1879, a revision took place in the wages and piece rates of the persons employed in the Pimlico Factory, about one-fifth of whom are wives, widows, or daughters of soldiers. A Memorial on the subject of this revision was presented to my Predecessor, and he appointed a Committee to report on the subject. It consisted of persons unconnected with the War Department—namely, my hon. Friend the Member for Oldham (Mr. Hibbert), Mr. Benjamin B. Greene (Director of the Bank of England), and Mr. Silver, a large employer of female labour, who was nominated by the Colleague of the hon. and gallant Baronet, the late First Lord of the Admiralty. This Committee reported fully on the 10th of July, 1879, and their Report was laid before Parliament and published. With one exception—namely, the condition of the employment of women before and after childbirth, in which the advice of the Home Office was acted upon—all the recommendations of the Committee have been adopted, and this was fully explained to the House by my Predecessor on the 1st of March last, who congratulated the House on the satisfactory result of the inquiry. No complaint or grievance as to their wages or the conditions of their employment has been received either at

question, which deserves and requires the most careful consideration. It is most desirable, in the interest of local self-government, to encourage local bodies to rely upon and to use their own resources. But when facilities are granted for that purpose it will be necessary to guard against extravagance, so that future ratepayers may not be unduly burdened. I cannot pledge the Government to the appointment of a Committee next Session; and will ask the hon. Gentleman to accept my assurance that the subject will, in the meantime, have our consideration.

FIJI — THE COOLIE SHIP  
"LEONIDAS."

MR. ALDERMAN W. M'ARTHUR asked the Under Secretary of State for the Colonies, Whether he will consent to lay upon the Table of the House, the Correspondence which took place between Mr. Des Vœux, Administrator of Fijii, and the Secretary of State for the Colonies, relative to the detention of the coolie ship "Leonidas" at Nasova in May 1859, in consequence of an outbreak of smallpox on board, and also any Reports showing the successful efforts of the Administration to prevent the introduction of the disease into Fijii?

MR. GRANT DUFF: Yes, Sir.

REVENUE OF CUSTOMS FOR 1879.

MR. MELDON asked the Secretary to the Treasury, If it is the case that whereas the revenue of Customs for 1879 has diminished from England and Scotland that from Ireland has considerably increased; under what heads the decrease for England and Scotland and increase for Ireland has taken place; and, if he will lay upon the Table of this House a statement showing under what heads there has been an increase or decrease of revenue of Customs in Ireland?

LORD FREDERICK CAVENDISH: It is the case that, while the revenue of Customs for the year 1879 has diminished in Great Britain in comparison with that of the preceding year to the extent of £460,676, that of Ireland has increased by £39,700. Taking England and Scotland together, the decrease in the Revenue is chiefly to be attributed

*Lord Frederick Cavendish*

to the diminished consumption of spirits, tobacco, and wine. The increase in the receipts from Ireland is attributable entirely to tobacco. There is no objection to furnish the statement referred to in the last clause of the hon. Member's Question.

AFGHANISTAN — MILITARY OPERATIONS—THE LATEST TELEGRAMS.

SIR H. DRUMMOND WOLFF asked the Secretary of State for India, By what authority orders were given for the advance of General Burrows to the Helmund, and what orders were given as to his movements after the mutiny of the Wali's troops; and, whether the order to advance and any subsequent orders were given by the Viceroy, or with his cognisance and sanction?

THE MARQUESS OF HARTINGTON: I have to remind the hon. Member, as I have just stated, that all—almost all—the information which we have received from India with regard to these events is contained up to the present time in telegraphic despatches, which are necessarily far from complete; and I am, therefore, able to give but very little further information to the House. As soon as the despatches arrive I cannot imagine that there will be any objection to lay them on the Table; and, so far as I am concerned, I shall be anxious that the House shall have complete information as to all the circumstances of the case. All that I can state now is that, so far as I am aware, the orders for the advance of General Burrows were given to General Primrose by the Viceroy in Council, on the suggestion of Colonel St. John, the Political Officer, and those orders were given after communication with General Stewart, who, although he was not, as the hon. Member is aware, at Candahar at that time, had lately commanded at Candahar, and was acquainted with all the circumstances attending the advance of Ayooob Khan. I have no knowledge of subsequent orders—of the orders given by the Viceroy, or of any orders given by General Primrose or General Burrows in consequence of them, after the mutiny of the Wali's troops. The hon. Member appears to be under the impression that the Wali's troops were acting as a part of General Burrows' force. That was not the case. The instructions of the

Viceroy were that under no circumstances was General Burrows' force to operate on the other side of the Helmund. Any operation for the defence of these dominions thought necessary by the Wali on the other side of the Helmund were to be conducted by himself, and it was on the other side of the Helmund that they deserted. They were never acting with the orders or in concert with General Burrows.

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MR. CHILDERS: In reply to my hon. and gallant Friend, I have to say that this is the first time that I have heard of the existence of the Purchase system among the medical officers of the Army, and I cannot undertake to recognize it. I will look into the subject of the second Question; but I very much doubt whether the medical officers of the Household Cavalry have any claim to more favourable treatment.

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the War Office or by the officers at the factory since effect was given to the unanimous Report of the Committee. If any of the operatives have any such complaints, and will bring them before their official superiors in the manner prescribed by the regulations of the Public Service, I undertake to look fully and impartially into them. But that the House of Commons should take action on the resolutions of a public meeting of persons employed in any branch of the Service—especially before their subject has been brought before the responsible Minister in the prescribed manner—would be a most dangerous precedent, and I feel certain will not be the wish of the House.

#### STATE OF IRELAND—ATTACK ON THE POLICE AT LOUGHREA.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has observed the following statement in the London papers of yesterday, the 11th inst. :—

“In the neighbourhood of Loughrea, while some farmers were posting bills announcing a large meeting in the west to protest against the late action of the House of Lords in rejecting the Compensation for Disturbance (Ireland) Bill, the police attempted to tear the placards down, and were repulsed by the people, who defied them, and the officers were ultimately obliged to return to the police station;”

and, whether the Government will take steps to secure that the police shall not provoke such dangerous collisions with the people?

MR. W. E. FORSTER: I did not observe the statement in the London papers. As soon as I could this morning, in consequence of the hon. Gentleman's Notice, I wrote off for information. Until I know what the placard was and what the police actually did, I can give no opinion on the matter. May I suggest to the hon. Member that it is impossible to give answers—satisfactory answers—to Questions respecting which information has to be obtained from the West of Ireland, when these Questions are asked on the very day on which the Notice was given. As soon as I get Notice of Questions I invariably send to Ireland for information; and if the hon. Member will be kind enough to give a reasonable time it would assist me.

MR. SEXTON: I shall repeat the Question on Monday.

*Mr. Childers*

#### TREATY OF BERLIN—MONTENEGRO AND TURKEY—CESSION OF DUL- CIGNO.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, What is the nature of the assistance which the Powers in certain eventualities propose to give to the Prince of Montenegro to enable him to take possession of the Dulcigno district; and, whether the assistance which each Power is to give has been agreed upon by the Powers?

SIR CHARLES W. DILKE: In reply to my right hon. Friend's Question, I cannot do more than refer him to the statement made on Monday last by the Secretary of State for Foreign Affairs, that—

“After constant communications with the Porte, showing perfect unanimity, the Powers agreed to a Collective Note respecting the Montenegrin frontier, in which three weeks are given to the Porte to carry out the peaceable cession of the district under what is called the Corti arrangement, and in which they express their expectation that if that arrangement fails, the Porte will join the Powers in assisting the Prince of Montenegro to take possession of the Dulcigno district.”

My noble Friend added that it would be unreasonable to suppose that the Porte would refuse to carry out, completely and at once, one or other of the two alternatives to the complete satisfaction of Europe. Since this statement was made, nothing has occurred to lead Her Majesty's Government to believe that the Porte will not comply with these just and reasonable demands, or to induce them to think that it would be desirable in the public interest for any further announcement to be made.

#### CONTAGIOUS DISEASES (ANIMALS) ACT, 1878—IMPORTATION OF AME- RICAN CATTLE.

MR. J. W. BAROLAY (for Mr. J. HOWARD) asked the Vice President of the Council, Whether he can give any information about other cases of Texan fever reported to have occurred in the cargo of American cattle imported in the “Iowa?”

MR. ARTHUR ARNOLD asked, Whether, in the opinion of competent authorities in the United States, Texan fever was neither contagious nor infectious?

MR. MUNDELLA, in reply, said, 18 animals had been affected on board

Iowa; 804 cattle came by that vessel, but only those which came from one place or from one consignor had been selected. The Inspector of the Council had remained on the spot in order to see that everything that had come in contact with the animals was destroyed, and to conduct a *post-mortem* examination. The carcasses had been seized by the local authorities of Liverpool. As to the question of contagion, he had made inquiries of Professor Brown, and his opinion was that if it were the Texan fever it would be contagious. He would give the hon. Member further information when the *post-mortem* examination had been made.

In reply to Mr. J. W. BARCLAY,

MR. MUNDELLA said, he did not know whether the infected cattle came from Portland or from Boston; but he would inquire.

#### ARMY—RIDING MASTERS.

CAPTAIN MILNE HOME asked the Secretary of State for War, If he would consider the cases of Riding Masters who joined the service prior to February 1875, with special reference to the conditions of their retirement in consequence of their being precluded, through age and length of service, from taking advantage of the new Regulations with respect to promotion issued at the above date, which entitle those who are promoted to more favourable retiring allowances?

MR. CHILDERS: The Question, as asked on the Paper by my hon. and gallant Friend, has thoroughly perplexed the authorities at the War Office; but if he will call on me and explain his precise point, I will endeavour to give him an answer.

#### PARLIAMENT — BUSINESS OF THE HOUSE.

In reply to Major NOLAN,

LORD FREDERICK CAVENDISH said, it was proposed on Monday next to go on with the Civil Service Estimates; but the Irish Estimates would not be taken until Monday week.

SIR STAFFORD NORTHCOTE asked, Whether it was proposed to take the Colonial Estimates on Monday next; and, if so, whether Notice would be

given of the time when the Vote for South African Expenditure would come on?

LORD FREDERICK CAVENDISH said, he hoped to be able to take that Vote along with the other Votes; but the time at which it would be taken must depend upon the progress made in Supply.

SIR STAFFORD NORTHCOTE said, he had recently put a Question as to the recall of Sir Bartle Frere; and he then understood the noble Lord the Secretary of State for India to say that proper Notice would be given, so that there might be an opportunity for a discussion of the question being taken at a time which would be convenient to the House.

THE MARQUESS OF HARTINGTON: We should be very glad to make any arrangement that would be convenient as to the South African Vote; but it is very difficult to say at what time that Vote will come on. We will undertake, however, if it does not come on till after 11 o'clock, to postpone it till another day. I am afraid that we shall not complete the whole of Supply to-morrow. If the right hon. Gentlemen prefers it, we can arrange that the Vote shall not be taken at all on Monday.

SIR MICHAEL HICKS-BEACH said, that there were several matters connected with South Africa which it was extremely desirable that the House should discuss before the close of the Session, besides that of the recall of Sir Bartle Frere; and, therefore, it would be more convenient that the Vote should not be taken on Monday, and that the noble Marquess should find a day for the consideration of questions of such importance.

In reply to Sir H. DRUMMOND WOLFF,

MR. SHAW LEFEVRE said, the remaining Navy Estimates would also be taken on Monday.

SIR GEORGE CAMPBELL asked, Whether the Indian Financial Statement would be made on Tuesday, as previously announced?

LORD RANDOLPH CHURCHILL asked, When the Expiring Laws Continuance Bill would be proceeded with, or beyond what day it would not be taken; and, also, whether it would be put down as the First Order of the Day?



THE MARQUESS OF HARTINGTON : I am afraid I cannot answer that Question now. With regard to the Indian Financial Statement, I have no reason to suppose that anything will prevent it from being brought on on Tuesday. I hope it will be possible to bring it on then.

#### IRELAND—SEIZURE OF ARMS AT CORK.

SIR PATRICK O'BRIEN : I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland a Question of which I have not been able to give him Notice. It is in reference to the reported seizure of arms on board the *Juno* vessel in Cork Harbour. I want to ask the right hon. Gentleman to state whether he has any information with regard to the matter outside that contained in the telegrams in the evening papers ; and whether the telegrams are what are known as "bogies," or are justified by the facts ? I think the fact that in such a place as Cork Harbour—

LORD RANDOLPH CHURCHILL : I rise to Order.

SIR PATRICK O'BRIEN : The correction comes from a quarter I should scarcely expect ; but I will content myself with asking the Question.

MR. W. E. FORSTER : I am sorry to say, Sir, that the telegram which has appeared in the newspapers on this subject is substantially true. I have received two telegrams from the Under Secretary, from which I find that this morning—or rather during last night—a ship, coming in under stress of weather, and bound from Antwerp to New York with arms, was boarded by 60 men. They cut the telegraph wire, secured the captain and the crew, and, I think, the two Custom House officers. I do not hear that there was any violence offered to the men who were secured. At any rate, no lives were lost. The men who boarded the ship took away 47 muskets, but no ammunition. Since then six men have been arrested. The seizure took place in Cork Harbour, West Passage, half-way between Cork and Queenstown. That is all the information I possess.

#### AFGHANISTAN—THE EVACUATION OF CABUL.

MR. A. J. BALFOUR begged to ask the Secretary of State for India a Question

of which he had given private Notice :—Whether, in the arrangements made between the Government of India and Abdurrahman, previous to the defeat of General Burrows by Ayooob Khan, there was an understanding that General Stewart should evacuate Cabul on or about the 11th of August ?

THE MARQUESS OF HARTINGTON : Sir, I have no knowledge of, and I do not think there were, any negotiations or arrangements with Abdurrahman Khan as to when the evacuation of Cabul was to take place. As I understand, the policy of the present Government—and also, I believe, the policy of the late Government—was to establish, if possible, something in the form of a Native Government in Afghanistan capable of preserving order in Cabul and its neighbourhood ; and that, as soon as that object was accomplished, the evacuation of Cabul by the troops should take place as soon as was consistent with the health of the troops. It is probable that in communications which passed with Abdurrahman Khan, he has been made aware that the troops would evacuate Cabul as soon as he was prepared to enter upon the duty of Government ; and it is in conformity with that understanding, and on the recommendation of General Stewart and the military authorities, that the evacuation is now taking place.

#### POOR LAW—SEPARATION OF AGED MARRIED PAUPERS IN WORK-HOUSES.

MR. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he had seen the statement in the London morning papers to the effect that the Guardians of the Strand Union had come to the humane determination of not carrying out compulsory separation of husband and wife in the workhouse when they were over 60 years of age ; and, whether, during the Recess he would communicate with the Poor Law Boards in Ireland to ask them if they would take measures to have the same measure reported into that country ?

MR. W. E. FORSTER, in reply, said he had not seen the statement, and would ask the hon. and learned Gentleman to postpone the Question to Monday.

## ORDERS OF THE DAY.

BURIALS BILL.—[Lords].—[BILL 248.]

(Mr Osborne Morgan.)

## SECOND READING.

Order for Second Reading read.

MR. OSBORNE MORGAN: I rise, to move the second reading of a Bill which I sincerely trust is destined to close one of the most prolonged and painful controversies which has ever assailed and divided this House. Be it as it may, I believe that anyone who has studied the rise and progress of this controversy will agree with me in thinking that if the question is to be settled at all it can only be settled upon the lines of this Bill. For what is the state of things with which we have to deal? By the Common Law of England—which no one, I believe, has ever attempted to alter—every parishioner is entitled to be buried in the parish churchyard. That right is a right dependent in no way either upon the creed professed or the Church to which he belongs. In other words, it is a civil right, not a religious right; and it is a right, moreover, depending upon the best grounds upon which any legal right may be said to rest—the ground of necessity. For, as was said by a very learned Judge more than a century and half ago, if no such right existed, on persons who had no land of their own could not be buried at all, because no man can be compelled to permit the burial of another in his own land. But it is sometimes said that this civil right is subject to, or coupled with, a condition—namely, that the Service of the Church of England shall be read over the grave. Well, I do not think that is a very accurate way of stating the law. In the first place, the proposition is by no means universally true; because we know that in the case of unchristianized persons, to whom the right of interment in the churchyard belongs by Common Law, and in the case of suicides, to whom it has been given by statute, the law, so far from enjoining any Service, does not even permit any religious service whatever. It is quite true, no doubt, that since time immemorial every person who had been admitted to the Church by baptism, and

had not been cut off from it by excommunication, was, as a matter of right, entitled to be buried with the only rites then known to the law—that is to say, with the Service of the Holy Catholic Church; and no doubt that right has, by degrees, been extended to all baptised persons upon the express ground, as stated by a very learned Judge, that the interment of Christian men and women without any religious service was an act of indecency unknown to the English law. But that right was not the right of the clergyman; it was not for his edification, or his benefit, or his comfort, that the Service was established. It was the right of the parishioner; and one of the strangest results of the growth of Dissent in this country has been that the very Service which was originally claimed as a privilege by the orthodox Churchman is now sought to be imposed as an obligation upon the unwilling Dissenter. Well, now, it is said that that is not a grievance; but I think that those who, like myself, have been brought up from their childhood in a country where Dissent is the rule and not the exception, will be disposed to take a very different view of the case. Let me put a case which may happen—nay, it does happen any day in the week in the country in which I reside. A man has lived the whole of his life not only outside the communion of the Church of England, but it may be in avowed and open hostility to the Church of England. He may have never crossed the threshold of the Church from the 1st of January to the 31st of December. On the contrary, he and his family have every Sunday worshipped in the little Baptist, or Independent, or Congregational, chapel at the other end of the village, and have, of course, done so with the full sanction and approval of the law. Well, the man dies. Scarcely is the breath out of his body than the Church of England comes down upon that man, and says to his friends or his relatives—"As the price of this man being buried in that churchyard, which the law has said is to be his proper and legitimate resting place—in other words, as the price of his being buried at all, he must be brought there as a member of the Church of England; and you, his relatives, if you wish to do that which nature and affection dictate, must appear there as members of the Church of

England, and perhaps for the first and last time in your lives conform so far as to take part in a Service to which, rightly or wrongly, you may feel the greatest repugnance and aversion." Well, I ask the House is not that a grievance? Is it consistent with religious liberty, or with the smallest modicum of religious toleration? Would it be tolerated in any other civilized country in Europe except this free Protestant country of ours? In my judgment, I should have thought it was a grievance of which not only the Nonconformists but the clergymen themselves had a right to complain. During the many years that I have been connected with this subject I have made it my business to try and look at it from every point of view, including that of the clergyman; and I must say that if I were a clergyman no more painful duty could be put upon me than that of being compelled to impose upon persons in that melancholy position a Service which, however beautiful in itself, becomes little more than a cold and cruel mockery when addressed to unwilling and unsympathetic ears. I remember reading a short time ago a letter from a gentleman who had been down to attend the Funeral Service of a relative of his—a Unitarian—who, of course, being a baptized person, was not only entitled, but was required by law to be buried with the Service of the Church of England. It so happened that this gentleman attended Divine Service at the Church on the Sunday previous, and had heard the very clergyman who afterwards performed the Funeral Service over his relative read the Athanasian Creed, in which, as the House probably knows, Unitarians are not treated with any very great consideration. Well, the writer of this letter remarked, with a good deal of force—and, as it seems to me, with a good deal of justice—upon the strange anomalies of our law, which compelled a clergyman to condemn one of his parishioners to eternal perdition on the Sunday, and then required the same clergyman to consign the same parishioner to the earth in the sure and certain belief of a resurrection and eternal life on the Monday. [*Laughter.*] Now, do not suppose I wish to say anything in the least degree disrespectful or irreverent of the Church Service. I only want to point out how hardly this law

bears upon the very men who seem most anxious to uphold it. At any rate, this, I believe, is a matter of fact—that when some 30 years ago or more, in consequence of the unhealthy state of the urban churchyards, cemeteries were opened all over the country, Parliament, without a dissentient voice, declared that whenever these cemeteries were opened a certain portion of them should be set apart for Nonconformists, who might be buried there with any Service they pleased. And it is sometimes said that owing to the growth of these cemeteries, and of the simultaneous, or rather consequent, closing of the churchyards, all the churchyards in the country were being closed, and that this grievance would, in a short time, disappear altogether. Well, if that be the fact, this Bill will do no very great harm, because in a very short time it would have no operation whatever. But, as a matter of fact, there is not, nor ever was, a more unfounded statement; and if hon. Gentlemen will listen to a few figures taken from a Return I moved for three or four years ago, I think they will agree with me in that view. In the year of that Return—which is dated the 12th of June, 1877—it appears that there were in England 14,066 churchyards, as against only 639 cemeteries. Out of these churchyards only 1,476 were closed, leaving 12,590 open, so that the churchyards open were to the churchyards closed in the proportion about of 10 to 1. But, if you take Wales by itself, the results are still more startling. In Wales there are 1,016 churchyards, of which 48 are closed, leaving 968 still open, so that the number of churchyards open in Wales to the number closed is in the proportion of 20 to 1. Now, I believe that the Nonconformist population of Wales has been roughly estimated at something over 900,000. If from this number you deduct those who live in the urban parishes, and also the congregations who have cemeteries of their own, I think you will find the number of persons in Wales alone, who are directly or indirectly affected by this grievance, is something like 600,000, or nearly the half of the entire population. Well, that is what is called an infinitesimal grievance. I have endeavoured to make a calculation as to how long it would be—taking the average of closing during the last 20 years—before the last churchyard in England

and Wales would be closed, and I find it would not be before *Anno Domini* 2182. That is to say, towards the end of the 22nd century of the present era. Well, now, I hope I have shown that a grievance exists. It is called by some people a sentimental grievance; but I do not know that it is less of a grievance because it is a sentimental grievance. I do not know that it is less of a grievance than the grievance of the poor Puritan, or of the Scotch Covenanter, who faced death and torture rather than celebrate Mass. And I hope I have shown by the figures I have quoted that it is a grievance that is distributed over a very large area, and that it cannot come to an end for what is, practically, an unlimited period of time. Now, I come to the remedies; and, certainly, if the grievance has existed down to the present time it has not been for want of nostrums, because I have counted not less than a dozen Bills from that side of the House which have had for their object the removal of this infinitesimal grievance. As regards a great number of them I do not think we need trouble ourselves; but in the year 1877 the late Government, pressed by their own supporters, made a serious attempt to deal with the question. And they adopted a mode of dealing with it, which, if it had no other merit, had at least the merit of originality. They said that this question of the burial of Dissenters was not primarily a religious question at all. It was a sanitary question, and they would deal with it upon sanitary grounds. Well, Sir, everybody would admit that the Burials Question has, unfortunately, its sanitary side; but the worst of it is that if you solve the sanitary problem to-morrow you will leave the religious difficulty just where it was; whereas, if you reverse the process and begin by solving the religious problem, I think you will soon find the sanitary difficulty will settle itself. However, we will go back to the proposal of the late Government. They brought into the other House a Bill called the Burials Act Amendment Bill. The object of it was shortly to enable a small number of persons in each parish to move the Home Office to close churchyards and build cemeteries—of course, at the expense of the ratepayers—and in some cases to build cemeteries even where the churchyards were not closed. Well, the advocates of that measure pointed, with a

great deal of force, to the fact that there were hundreds of churchyards which, upon sanitary grounds, required to be closed. Of course, nobody contended against that at the time, and many of my supporters would have been only too glad to see that done. But these gentlemen forgot that there were also thousands of churchyards in the country districts of England to which no such consideration applied. Now, if any hon. Gentlemen doubt what I say, if they will do me the honour to pay me a visit and take a drive with me a few miles away from my house, I will show them half-a-dozen churchyards which will not be full for generations. But to tell the unfortunate people in these districts that, because in the counties of Staffordshire, and Lancashire, and Warwickshire, there are churchyards that ought to be closed, therefore their own churchyards must be closed too, does seem to me to be the most unreasonable thing that ever was said to mortal man. Well, but how did the Government propose to deal with the religious question? They went so far as this. They said—"We will dispense with the religious service in the case of persons who conscientiously object to it; but that shall only be done on one condition, which is, that you are to be buried without any religious Service at all." Now, I believe there are some sects in England who do inter their friends without any Service at all; and, of course, it is quite right that the case of such persons should be provided for, and I may mention, incidentally, that this Bill does provide for them. But I may say that the immense majority of Nonconformists look upon burial without a religious Service as a sort of indignity, and the reason is not far to seek. The law has made it an indignity by imposing it as a stigma upon suicides. As I said just now, one of the most learned Judges on the English Bench once said that such a mode of interment is an indecency unknown to the English law. And yet this indignity—this stigma, this indecency—was looked upon by the late Government as quite good enough for Nonconformists. Is it surprising that the proposal produced a storm of indignation, not merely among Dissenters, but also among the ratepayers, who naturally objected to be saddled with the enormous expense, calculated at between £2,000,000 and £3,000,000,

of carrying out the provisions of that Bill, simply to preserve a clerical monopoly? Well, all these arguments were urged, far more forcibly than I can urge them, in the other House by a noble Lord, certainly not a political Dissenter, but, on the contrary, a most steadfast and staunch Churchman, and the father of one of the most popular and most respected Members of the late Administration—the noble Lord the Member for Liverpool (Viscount Sandon)—I mean the Earl of Harrowby. And an Amendment, which was, in fact, this Bill, was carried in the House of Lords by a majority of about 16. Well, that Amendment being carried, the then Government threw up the Bill; and it seemed to me, by doing so, threw away a golden opportunity of settling a vexed question. And I am bound to say that they never again attempted to deal with the question upon sanitary grounds. But there are those who “rush in where Home Secretaries fear to tread;” and I must now refer to a short Act of Parliament which was passed last Session; and I do so, first, because it is the only legislative attempt to deal with this grievance; and, secondly, because some persons labour under an impression that it has done something to abate or remedy this grievance. In the year 1875 a very excellent Bill, called the Public Health Act, was passed, for which every credit is due to my right hon. Friend who was then the President of the Local Government Board (Mr. Solater-Booth). Well, Sir, that Act contained a provision—a useful and proper provision—enabling, and even requiring, Local Sanitary Authorities to provide mortuaries for the reception of persons who had died of small-pox, and other contagious diseases of a virulent type. Now, it seems to have occurred to some wise men from the East of England that if they could only take this Bill, and for “mortuaries” read “cemetaries,” and treat Dissenters as infected persons, they might settle the Burials Question off-hand. Accordingly, a short Bill was introduced by my hon. and learned Friend, Mr. Marten, the late Member for Cambridge, of whom I wish to speak with all the respect that is due to one who has passed away from us—I am happy to say only in a Parliamentary sense. It was called the Public Health Act Amendment Bill. Well, there must have been something very

seductive about the title of that Bill; because it took in not only my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson), who I thought was rather too old a Parliamentary bird to be caught with such a trap, but also the present Secretary to the Local Government Board (Mr. Hibbert). I will not dwell now upon the way in which the half-past 12 o'clock Rule was evaded, and the Bill sent through this House in the small hours of the morning; but I do think the history of that measure after it became law should be a warning to those who believe in this 2 o'clock in the morning legislation. Now, this Act, as I have said, was very short. It was only 20 lines long; but it incorporated in itself two other Acts, one of which contained 235 clauses and several Schedules, and the other contained 69 clauses. Well, Sir, of course I need hardly say that the effect of jumbling together a number of provisions of Acts of Parliament which had nothing to do with each other was to produce something very like nonsense. I will just mention that the result of the Act practically is, that under that Act every cemetery must be inclosed by a wall eight feet high. Then, even if there is a church close by, the ratepayers are to erect a chapel upon the unconsecrated ground; and, though they are permitted to erect a chapel upon the unconsecrated ground, the use of that chapel is fenced round by provisions which make it practically impossible for many Dissenting sects to use it. The Act, moreover, makes no provision for the incumbent's fees—in fact, it does not recognize the incumbent at all—but it enables the parishioners, by a vote of their own, to disestablish their own rector by appointing a stranger as chaplain of the cemetery over his head. But how is he to be paid? By salary, and the salary is to be raised by a sort of church rate, which will, of course, be levied both upon Churchmen and Dissenters, and the practical effect will be that the Nonconformists will be compelled to contribute to the burial of Churchmen. So that, in fact, the Act, on the one hand, is an Act to disestablish *pro tanto* the Church of England, and, on the other hand, a revival, in their most obnoxious form, of church rates. Therefore, the Act has been a dead letter; and its only effect

has been to lose to the Party opposite half-a-dozen or more seats, including the seat of the hon. and learned Member who introduced the Bill. I think, after that, that I am entitled to say that hitherto every attempt to remedy this grievance has ended in signal failure. But I see that my hon. Friend opposite, the Member for North Shropshire (Mr. Stanley Leighton), undeterred by former failures, has proposed a new remedy. What he proposes is to throw open all the graveyards in the country to all classes of Her Majesty's subjects, whatever be their religious faith or denomination. Well, if my hon. Friends means public or parochial graveyards, then I think he will not find many of us who will disagree with him on this side of the House. But if he means to invade private graveyards, whether belonging to the Churchmen or Nonconformists, all I can say is that a more Communistic proposal I never heard. Talk about the invasion of private property! If that is not an invasion of private property I do not know what is. However, I will leave that proposal for the moment; for I think, by what I have shown, I am justified in saying that every attempt hitherto to remedy this grievance has ended in failure. Well, if that be so, is it not time to revert to the proposal which we have been urging for many years, and of which the principle may be stated in a sentence? We have got this civil right that I described, this civil right of interment coupled with, or it may be more correct to say entangled with, an ecclesiastical condition. You must either do away with the right or the condition. You cannot retain both. You cannot do away with the right; therefore, you must do away with the condition. Well, that is the principle of this Bill; but before I address myself to the Bill, I should like to say one word upon the application of the Bill to what are called statutory cemeteries. Of course, I admit that the arguments I have been endeavouring to press upon the House have no application to those cemeteries, because they always contain a portion of ground in which any persons may be buried with any rights they pleased. But, on the other hand, the objections to the Bill, depending partly upon sentiment and partly upon the supposed proprietary rights of the clergymen in the church-

yards, have no application either. As everybody knows, the cemeteries are vested not like churchyards, in the clergymen and churchwardens, but in Burials Boards; and the rite of consecration is in their case nothing more than a civil act of dedication, which the Bishop can perform in his own study quite as well as on the spot. And I need hardly say there are grave practical inconveniences arising from this division of the cemetery with consecrated and unconsecrated ground. As a general rule, the land is divided in halves, one-half being consecrated and the other half unconsecrated. Now, I could mention one case—the case of Mountain Ash—where the unconsecrated part of the ground is quite full, and where the consecrated part is nearly empty. On the other hand, there are many other cases, probably the majority, in which the consecrated ground is full, while the unconsecrated part is empty. But for the purpose of my argument it comes to exactly the same thing. I am exceedingly obliged to the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) for the Return for which he moved, showing how the case stands, though it is confined to the district within 10 miles of London. From that Return it appears that the number of persons last year buried in the consecrated ground in these cemeteries is 45,916. The number buried in unconsecrated ground is 37,908, so that those buried in consecrated ground and those in the unconsecrated ground are in the proportion of about 5 to 4. Well that is not a very great disproportion; but if you take particular cemeteries the disproportion is something astounding, sometimes one way and sometimes another. Take the City of London and Tower Hamlets Cemetery. There the number of persons buried in consecrated ground is 4,503 as against only 1,021 in unconsecrated ground. But now, take the next case, that of the East London Cemetery. There I find that the case is exactly the reverse. There are 1,092 buried in the consecrated ground, and 5,150 in the unconsecrated ground. I really do not know how to account for this, unless it is owing to the old saying that carriage horses drive to church, but, of course, it leads to very great practical inconvenience. But that is not the

whole question. We all know that members of the same family do not all belong to the same church, or profess the same belief, and what happens in consequence? Why, the father cannot be buried with his child, or the husband with his wife, or the brother with his sister, and thus you get the separation of those who in death ought certainly not to be divided. Perhaps the House will allow me to read a letter which I cut out of *The Times*, which puts this separation in almost a ridiculous light. It is signed by "A Sufferer," and he says—

"My first wife, a member of the Church of England, died and was buried in the consecrated portion of our public cemetery. My second wife was a Roman Catholic, and, of course, I laid her remains in the Roman Catholic portion. I am neither a Churchman nor a Romanist; but I had hoped that one of those two graves at least might be made available for myself. Our local authorities, however, say 'No,' unless I agree to the religious Service; and when I complain of the hardship of having to pay for a third grave in the cemetery in which I have already purchased two, they point out that, under the circumstances, my proper course would have been to have married two Nonconformists."

Now, that is the absurd—and, may be, worse than absurd—result of the present law; and I believe that many of the most strenuous opponents of this Bill, as it stands, are anxious that we should get rid of this distinction of divided cemeteries and double chapels. That, Sir, is not the opinion merely of Nonconformists, but of several distinguished Prelates, who are opposed to the Bill as it now stands. Now, the Government thought the easiest, the simplest, and the most practical way of getting out of the difficulty was to give the clergyman power to perform his Service in the unconsecrated portion of a cemetery; and, on the other hand, to give to the Nonconformists the power of having their Service in the consecrated portion, so as to give to everybody all round the same rights. But the House of Lords, during the progress of the Bill through that House, did a thing which, I think, they could hardly have intended to do. Indeed, I do not see how it is to be defended. They struck out, by a small majority, the clause which gave Nonconformists the power to have their Services in the consecrated part of the cemetery; but they left untouched that part which gave the clergyman power

to perform the Church Service in the unconsecrated part. Now, I appeal to anyone to say whether that is fair; and I can only say that when the Bill gets into Committee I shall endeavour to restore that part of it to its original shape with, I trust, the assent of the whole House. There is just one other Amendment introduced into the Bill as it stood by the House of Lords which I ought to mention. That is an Amendment excluding the operation of the Bill, whenever there is in the parish a cemetery containing unconsecrated ground. At first sight it would seem that that exclusion would have no operation at all, because in almost every case where there is a cemetery the churchyard is closed; in fact, the reason why there is a cemetery is that the churchyard is too full. But, unfortunately, having been behind the scenes on this question for a good many years, I think I understand the object of the Amendment, which is simply this:—It is to enable the clergyman and his supporters to agitate any parish for the construction of a cemetery to be paid for out of the rates. Indeed, I do not hesitate to say that the agitation in this direction has already begun, the effect of which will be simply to buy the Nonconformists out of their rights in the churchyards at the expense of the ratepayers. So that if this Bill passes as it stands, there will be an agitation in every parish, where Churchmen and Dissenters are about equally divided, for the construction of what I may call sham or "bogus" cemeteries. But there will be another inconvenience. You will have one Burial Law applied to parish A, and another law to parish B. And not only that, but when the cemetery is not full you will have one law in existence; but when the cemetery is full, of course you will have to go back to the old law, and the parish churchyard will be once more open to Nonconformists, so that there will be no end of confusion. I say that rather than pass the Bill with that alteration I would tear it up altogether. Therefore, when the Bill gets into Committee, I shall move to expunge that Amendment. Now I come to the Bill itself, and I will go shortly through its principal clauses. The Bill enacts that—

"After the passing of this Act, any relative, friend, or legal representative having the charge of, or being responsible for, the burial of a de-

*Mr. Osborne Morgan*

sed person, may give forty-eight hours' notice in writing, indorsed on the outside 'Notice Burial,' to or leave at the usual place of abode of the rector, vicar, or other incumbent . . . . . that it is intended that such deceased persons shall be buried within the churchyard or graveyard of such parish, or ecclesiastical district, without the performance, in the manner prescribed by law, of the service for the burial of the dead according to the rites of the Church of England, and after receiving such notice, no rector, vicar, incumbent, or officiating minister shall be liable to any censure or penalty, ecclesiastical or civil, for permitting such burial."

Well, we propose to add a Schedule at the end of the Bill, giving the form of the notice to be adopted. But then came the Archbishop of York with an Amendment excluding from the operation of the Act any cemetery of which a portion should be left unconsecrated. The amendment I shall propose will remove that provision, and I shall also propose to omit other words, which will bring the clause to what it was when it was originally introduced. The 2nd clause deals with paupers, and provides that in such cases, instead of giving notice to the incumbent, the notice may be given to the master of the workhouse where the pauper died, by the husband, wife, next-of-kin, and that the guardians, after such notice, shall permit the burial of the body in the manner provided by the Act. The 3rd clause provides that the notice of burial the time of the burial is to be stated, subject to variations, should some other Service, previously appointed, have been fixed upon the same time; and it also provides that the person receiving the notice shall, unless some other day or time is mutually arranged, signify to the party giving such notice at which hour of the day named in the notice, or (if such day shall be a Sunday, Good Friday, or Christmas Day) of the day next following, such burial shall take place. The 4th clause says—

"When no such intimation of change of hour is sent to the person from whom the notice has been received, or left at the house where the deceased person is lying, the burial shall take place in accordance with, and at the time specified in, the notice."

I may say at once that, although it was thought necessary to guard against any possible collision between the Church Services and the Services under the Act, I could hope that in 99 cases out of 100—indeed, in 999 cases out of 1,000—good feeling and good sense would prevail,

and the burial would be allowed to take place as the poor people wish. The 5th clause deals with the regulations as to the making the grave, and it leaves those regulations as they were, and the persons who are at present entitled to receive the fees will receive them still. The House is aware that the church and graveyard are vested in the clergyman and the churchwardens. We have no desire to make any change in that. If we did, it would be necessary to create a Burial Board, but that would have been very expensive and troublesome; and, therefore, we have left matters as they were. It has been said that it is unfair to pay a man for a service which he does not perform; but these fees are not paid for the service; they are paid for breaking the ground which, as an incumbent, the clergyman is bound to keep in order; and we do not propose any other means by which the incumbent can keep up the churchyard; and, therefore, we leave these fees untouched. They are not very large, in some cases not coming to more than 1s. or 6d. Well, now I come to the 6th clause, and that, no doubt, will raise a good deal of discussion. It provides that—

"The burial may take place, at the option of the persons having the charge of, or being responsible for the same, either without any religious service, or with such Christian and orderly religious service at the grave, as such person shall think fit; and any person or persons who shall be thereunto invited, or be authorised by the person having the charge of, or being responsible for, such burial, may conduct such service or take part in any religious act thereat. The word 'Christian' in this section shall include every religious service used by any church, denomination, or person professing to be Christian."

["Oh!"] Of course, I know the objections that have been raised to this clause as it stands. I have been told—"Here have you been appealing for the last 12 years for this civil right of interment, discharged from what you call a religious condition; but here you take away one religious condition only to impose another." But we must look at this as a practical thing, and from a practical point of view. There is an infinitely small number of persons who would wish to be interred in rural churchyards with non-Christian Services. On the other hand, it would be idle to deny that there is a strong body of sentiment opposed to the admission into the



churchyard of non-Christian interments. I think it is quite clear that to authorize any but Christian Services would be fatal to the Bill; and, therefore, the question we have to consider is whether it would be worth while to wreck the Bill upon that? And I must remind the House that we are endeavouring to effect a settlement of this question, and a settlement does not consist in having one's own way in everything. Well, then, there is the 7th clause, which I purpose to strike out altogether. That is a clause which says that the Act shall only apply to parishes where there is no unconsecrated burial ground for the parishioners. The 8th clause provides that burials shall be conducted in a decent and orderly manner and without obstruction; and the 9th clause re-enacts the powers for the prevention of disorder which were originally given by Sir Robert Phillimore's Act. Well, then there is the 10th clause. Why the 10th clause should excite so much comment I do not know. That clause provides that the Act shall not give the right of burial where no previous right exists. We do not profess to deal with civil rights of interment. We do not profess to give the parishioners of any parish the right to be buried in any other parish; and, therefore, I do not see why the 10th clause should have excited so much comment. The 11th and 12th clauses are what I may call mere machinery, and now I come to what I may call the clergyman's clauses. The 13th clause gives to the clergyman the right to perform services in the unconsecrated part of the churchyard. It is very doubtful whether he has that power or not. One great authority says he has, and one says he has not. However, we propose to make the matter quite clear, and to give him that power, so as to get rid of all doubt in the matter; but, of course, it must be on condition that the Nonconformists have a reciprocal right to perform their Services in the consecrated portion. The 14th clause will require some explanation. The House is aware that, by the law as it now stands, the clergyman is not allowed to perform any religious Service over any unbaptized persons, or excommunicated persons, or persons who have laid violent hands on themselves, and on whom a verdict of *felo de se* has been pronounced. But excommunication has ceased, and persons who have

committed *felo de se* are, happily, exceedingly few. We have, therefore, to deal chiefly with unbaptized persons. But if this Bill is passed, the number of unbaptized persons who would be buried by the clergy would be enormously diminished, because they consist mostly of Baptists and Quakers, and the ministers of their own denominations would bury them. Now, I have always thought it right that in these cases the clergymen should have some relief. I have always thought it a shocking thing that where, on account, perhaps, of a parent's neglect, a child is not baptized, that, therefore, its body is to be thrown into the grave without any religious Service at all. The only other remark I have to make is this. The Amendment was laid before Convocation, and Convocation approved a plan of Service which it shall be lawful for the minister at the request of the kindred or friends of the deceased to use in the case of unbaptized or excommunicated persons, or suicides. Now, I see no objection to that Service. Indeed, I should not have the slightest objection to have it read over me, though I hope I shall not die by the hands of justice, or lay violent hands on myself. But I know there are some persons who object to any mention of Convocation in an Act of Parliament; and perhaps, therefore, it will be desirable to postpone what I have to say on that subject until the Bill is in Committee. Well, the 16th clause enacts that the Bill shall extend to the Channel Islands and to the Isle of Man. I have, however, had a communication from the Isle of Man, which states that the Parliament of the Island—the House of Keys—were willing enough to pass the Bill, but they prefer to pass it for themselves, instead of having it passed by what is there called the "Parliament of the adjacent Islands of Great Britain and Ireland." I, therefore, propose to strike the Isle of Man out of the Bill; but the Channel Islands will be left in. The Bill next provides that the Act shall not apply to Scotland or to Ireland, for the very good reason that the law which we are trying to introduce into England has prevailed both in Scotland and in Ireland for generations. Well, that is the whole of the Bill, because I have really anticipated what I had to say upon the Schedules. And there is one question which I have often asked myself—if this Bill were to

passed to-morrow, what possible injury would it inflict upon any human being? It certainly would not injure congregations worshipping in the church, because every care and caution is taken to prevent the Church Services from clashing with the Services authorized under the Act. It is sometimes said that the owners of land who use it for the construction of these churchyards would be injured if this Bill were passed, because their property, which was given for one purpose, would be diverted to another. I am utterly unable to follow that argument. In the first place, where is the diversion? There is not a single purpose for which these lands are to be given which will in any way prejudiced or invalidated this Act of Parliament. Of course, the Church is quite competent for these donors of land to have done what has been done by donors who have given their land to trustees for the purpose of what may be called private denominations. They might, instead of giving their land to the clergy and the churchwardens for parish purposes, have given it to private trustees, and they may do so, unless the Communistic proposal of the hon. Friend the Member for North Devonshire is adopted. But what I object to is this—you cannot allow them to go hot and cold. They cannot treat the Church of England, on the one hand, as a National Institution, and on the other hand, as a private sect. And allow me to say that if they adopt the latter alternative they will do more to disestablish the Church of England than all the Burials Bills that ever were passed, because you depend upon it the first step towards the disestablishment of the Church of England will be to denationalize it. Besides, I need not remind lawyers that the law of England recognizes no right in the part of owners of property who have once given their land for a public purpose—that is, who have dedicated it to the public—to reserve any right to divert it to any other use to which it may afterwards be put. But it may be said, "Oh, but you ought to consider the feelings of the clergymen, which will be outraged and wounded by these Services in the churchyard, which they are even compelled to witness." And the right rev. Prelate has gone so far as to compare the feelings of these unhappy gentlemen with the torments ex-

perienced by the early Christians when they were torn by wild beasts in the Circus or the Arena. Well, the best answer to these rhetorical exaggerations was given by a man, now no more, who was always listened to with respect by this House—I mean John Arthur Roebuck. In 1875, speaking of the dislike which clergymen felt to seeing Nonconformists in their graveyards, the late Mr. Roebuck said—

"Now, I regret such a feeling towards one's fellow-creatures. In my opinion, it is much to be desired that such people should be taught to have right feeling and to act like Christian men; to feel for people in affliction, and seek to soothe their sorrow, rather than to entertain narrow-minded prejudice against them. Would it not be more in accordance with Christian feeling that the relatives and friends of the dead should be allowed to be soothed in their sorrow and gratified in their feelings by the one to whom they had been in the habit of looking? Let us get rid of the narrow-mindedness which opposes this Bill."—[3 *Hansard*, cccxiii., 1388.]

Well, it may be said, perhaps, that it is rather late in the Session to discuss this Bill; but if there ever was a question which was ripe for discussion it is this question. Why, it has been debated for more than a quarter of a century, through nearly 1,000 pages of *Hansard*; and I really believe that even the ingenuity of my right hon. Friend who has charge of the opposition to this Bill (Mr. Beresford Hope), will be unable to contribute anything new to the discussion. There is our old friend, "the thin end of the wedge." Hon. Gentlemen opposite are never tired of telling me that if the Nonconformists get into the churchyards they must also get into the church, because the church and churchyard are one. I can only answer that as I have done before. I am sorry to contradict hon. Gentlemen so flatly; but I must tell them that the church and churchyard are not one. In the first place, the church is a place set apart for the performance of a particular religious Service. The churchyard is set apart for the interment of the dead, not necessarily with any religious Service at all. But there is this further difference. The use of the church is optional. The use of the churchyard, unfortunately, is not optional. And I cannot help thinking that that argument is as dangerous as it is illogical; for I have yet to learn that it is the part of a prudent general to imperil the safety of an entire fortress

by the defence of an untenable outwork. Would it not be far wiser, as well as more generous, to follow the advice of a Prelate to whose generous and courageous advocacy of this Bill I wish to bear my hearty testimony—I mean the Archbishop of Canterbury—and decline to be a party to refusing to men that which was just because there were some among them who wished for something more? Or that of the Bishop of Manchester, who warned the Church of England not to intrench herself behind rights and privileges that were becoming well-nigh intolerable. Sir, there is just one more argument against the Bill which I ought not to pass by. It has been said—it is still said—that, notwithstanding the stringent safeguards by which this Bill is fenced round, there will be those who will take advantage of it to desecrate the churchyard by unseemly altercations, and will select the interment of their own friends and relatives as an occasion for insulting the clergyman in his own church. And I regret—I say it more in sorrow than in anger—to see that the Lower House of Convocation, offering in that respect a marked contrast to the Upper House, has actually passed, by a majority, a Resolution condemning this Bill as an act of dishonour to Almighty God. Sir, I can hardly trust myself to answer these insinuations. In my judgment, they are a calumny—they are a libel, not only upon Nonconformists, but upon Englishmen. Why, the very law we now seek to introduce into England has been in force in Ireland, in one shape or another, for generations. In Scotland it has been in existence for centuries. Will anyone dare to say that the churchyards of Scotland and Ireland are disgraced by scenes which bring dishonour upon Almighty God? But we need not go to Scotland, and we need not go to Ireland; we have the experiences of our own cemeteries, which have been established for more than 30 years, and in which millions of persons have been buried. We have the concurrent testimony of every person who has had anything to do with these cemeteries, that the burials in the unconsecrated part of the ground are conducted with at least as much decorum and solemnity and religious feeling as those in the consecrated part—some people say a great deal more. But I deny that it is neces-

sary to appeal to the testimony of experience. We have something in this case better than experience to appeal to. We have the unerring instincts of the human heart. Will the House allow me to read a single sentence from the speech of one of the most distinguished Members of the Lower House of Convocation, of a man of whom some hard things have lately been said, but who is, nevertheless, one of the largest-hearted, as well as the largest-minded, men that ever adorned the English Church—I mean the Dean of Westminster. Dr. Stanley, speaking on this subject, said—

“These occasions—the most solemn in human life—are exactly the occasions on which the common principles of belief and the common principles of humanity come most visibly to the front, and the common principles of religious belief and the common principles of humanity are most fully vindicated on the most solemn and serious occasions of our life—

‘Tears waken tears and honour honour brings,  
And human hearts are touched by human things.’”

Sir, I will only add that I believe that when this Bill has been a few years—aye, a few months—in operation, all these dismal forebodings will vanish like the phantoms of a diseased imagination, and men will reflect with amazement that so small a concession should have awakened such grave and groundless apprehensions. And now, Sir, I have only to thank both sides of the House for the kindness with which they have listened to my somewhat lengthy statement. In making it I have endeavoured to avoid all personal allusions, and all irritating topics; and I hope and believe that the debate will be continued in the same spirit, and that the second reading of this Bill will be arrested by no factious and unnecessary delays; because I cannot help feeling that the time has at last come when men of all parties and of all opinions must be sincerely anxious that the curtain should fall upon this painful and protracted conflict. And it is for this reason that in asking this House to read the Bill a second time, I venture for once to appeal, not merely to the drilled forces of a Party majority, but to that higher and nobler sentiment which prompts men to feel for sorrow and suffering—for the bereaved mother and the orphan child, for the poor widow in her desolate home—and which, I feel sure, will no longer refuse to the little knot of village mourners the only boon they ask—to be

allowed to bury their own loved ones in their own way, and, in that supreme hour of their grief, to forget for a moment the bitterness of a common sorrow in the consolations of a common hope.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Osborne Morgan.*)

**MR. BERESFORD HOPE:** I have listened, with the attention due to his position and ancient advocacy of this measure, to the speech of my right hon. and learned Friend. Interesting as that speech was as a specimen of psychology, and an exposition from an able, eloquent, and erudite man of a long and complex mental process directed to the history of this question, I think that some of it would have come better if he had reserved it for his autumnal triumph in the green vales of Denbighshire, for the delectation of an exultant and happy constituency. But my business is with the present, and not with the past; and my right hon. and learned Friend must excuse me if I pass over a good many of the topics with which he dealt, particularly at the commencement of his speech. There are one or two things, however, which I will say at starting. First, in regard to the peroration of his speech. It was very ingeniously constructed. You saw the hand of the skilled advocate in it. For us to let it pass unnoticed would be to admit his claim, and thus throw overboard the very principle on which we rest our opposition. Everyone, of course, wishes to see the curtain dropped on a troublesome and anxious contention. It was not necessary to throw in our faces the widow and the little lot of mourners, graceful specimens as these are of that *genre* painting in which my right hon. and learned Friend is such a proficient. But if that peroration is to pass without a protest, we, who oppose the Bill, must confess ourselves fighting a cause which not only may be beaten, but which ought to be beaten. I regret these Burial Bill contests as much as anybody can do; but unless the curtain is to drop on the conversion to a wiser and better mind of my right hon. and learned Friend, then, I say, let the agitation go on *in secula seculorum*. My right hon. and learned Friend threw a good deal of ridicule upon those who can believe that there is any congruity be-

tween the church and the churchyard. Only foolish and ignorant people could fancy that taking possession of the churchyard ought to lead to the church. Had any Member on this side of the House rested his case on the admission of the notion, we should have deserved all, and a great deal more than the right hon. and learned Gentleman has been pleased to bestow upon us for so dangerous an admission. But will he give me his ears to the following words? I am not very conversant with the private relations of Nonconformists, and I am not aware that the right hon. and learned Gentleman is, for I believe the Church of England owns him as a devoted son; but I have heard that among the Dissenting clergy there are few men who stand more high as a devout minister of the Gospel, earnest in his sacred calling—an eloquent preacher, and a Christian man who loves his sacred calling—than the Rev. Dr. Landels, the minister of what was once the Diorama, in Regent's Park. I will now ask the House to listen to a few words from that eminent Christian divine—

"Do not conceal the fact that this taking the 'fortress' [by which the reverend gentleman means the church] is our final aim, and that we cannot rest satisfied until that aim has been realized. Our clerical friends, in arguing against the Burials Bill, tell us, with refreshing simplicity"—

I think my right hon. and learned Friend will find he has been refreshingly simple by the time I have got to the end of my extract—

"Our clerical friends, in arguing against the Burials Bill, tell us, with refreshing simplicity, that if we get into the churchyards, we shall want to get into the church next."

The Judge Advocate General repudiates that inference—"What charming innocents they must be to put it thus." I hope my right hon. and charming innocent Friend is listening—

"What charming innocents they must be to put it thus! I think that if, by getting into the churches, they mean that we shall demand to have national property employed for national purposes and not reserved"—

["Hear, hear!"] I see Dr. Landels has a large congregation on the Benches here—

"And not reserved for the exclusive use of a sect; why, then, of course, we mean to get into the churches. And, what is more, if our right to the churches is as good as our right to the churchyards, we will succeed in getting what we demand."

The Judge Advocate General, as a Churchman, says one thing as to the intentions of the Dissenters; but Dr. Landels, who is himself a Dissenter, says quite another thing. ["No!"] I fall back upon the old maxim, "*experto crede*," and I am more inclined to believe Dr. Landels.

Now, I come more directly to the speech of my right hon. and learned Friend. I feel bound, as a layman, and not as a lawyer, to traverse the way in which he puts the case. His facts I grant; his inferences I do not accept. He says that as a common right, and in Common Law, there is a right of burial in the churchyard. I grant that. It is perfectly true. Then he argues that it must exist without condition. I demur to that assertion. I do not demur to the facts which this pretension may be supposed to cover; but I do demur to the inferences which the right hon. and learned Gentleman means to draw from those facts in his way of putting them. Undoubtedly, all persons, as human beings, have a Common Law right to be buried in the churchyard of the parish to which they belong. This leads us to consider the double character of the parish. It is an ecclesiastical institution in one respect, and it is a civil one in another. There is, accordingly, an ecclesiastical side to burial in the parish churchyard, and there is a civil one. Well, then, as to the conditions of burial, the way in which I read the law is this. In the eye of the Common Law burial means merely putting the body into the ground. The religious ceremony, which may or may not accompany the putting of that body into the ground, belongs to another order of things—namely, the spiritual. As the right hon. and learned Gentleman told us, every dead man must be buried; and, from the first, although the right hon. and learned Gentleman dealt with the matter very lightly, the Civil Law has assumed that we must all be put into that plot—namely, the parish burial ground—which the State has recognized as existing for that purpose. On the other hand, the being buried with religious rites is an act of the highest decency and of the highest reverence. At the same time, these rites are not an essential element in putting your dead out of sight. This brings us to that other order of things, which ordains that, simple interment being essential, and

interment with religious forms pious and desirable, then that pious practice in connection with mere burial is a proper subject for regulation. Here the Ecclesiastical Law of England, incorporated as it is into the law of the land, steps in; and it is with the condition of things so created, and not with the abstract right of burial of all men, that we are now dealing. On the one side, the necessity of burial is absolute; while, on the other, it may, and, morally speaking, ought to, carry with it the condition of a Church Service. Yet that condition cannot be an inseparable adjunct of the universal necessity. The mere interment affects the burial ground as a civil institution; but the use of some Burial Service brings us face to face with that ground in its connection with the Established Church. So, then, we have now to consider the alternative of the silent burial. I know there are clergymen who fancy that they must force the Burial Service on the body of any baptized man put into their churchyard. Although not a lawyer myself, I have considered the question in its historical aspect, and have reached the opinion that that presumption is both fallacious and unfounded, and that the Judge Advocate General is fighting men of straw in setting up the idea that every man must, in the churchyard, be buried with the Burial Service. The Clergy, generally, are, I believe, with me too. I will offer one defence for my assertion, and I think it is worth 10,000 arguments. I suppose everyone will agree that, among Churchmen, there never was a man who was both a more staunch Churchman and a more thorough lawyer than the late Bishop Phillpotts; and it is well known that Bishop Phillpotts held, and laid down most strongly, the view which I am presenting, and, under correction, I believe that Bishop Phillpotts' law was right. I have always opposed the Burials Bill on that principle. Certainly, if I believed that the point required clearing up, I should be an advocate of any measure that would clear it up; but, not believing that, I looked upon the provision for silent burial in the Duke of Richmond and Gordon's Bill of 1877 as something like surplusage, if not even as weakening the original obligation.

Now, Sir, I come more closely to the present state of things. Looking on it as a question of high policy, why do I

regard it with so much dread? It is because he only who is wilfully blind can refuse to admit that it is a move in the campaign of Disestablishment. No doubt, it is easy enough to deny that assertion. I have given the evidence of Dr. Landels. I will give now that of other men, who are as great leaders on their side as Dr. Landels, and their evidence is even stronger. Not only is it a move in that campaign; but I say it in this House, and as I would desire to say it in the market place, and on the house-top, that the claim set up in this Bill is a distinct breach of faith and a repudiation of moral obligation. In 1868, Churchmen, for the sake of peace, and mainly following the counsels of the Chancellor of the Duchy of Lancaster (Mr. John Bright), surrendered the obligatory character of the church rate. What was the result of that concession? That the churchyard was as open to the Dissenters as ever previously; but that the burdens which had been distributed equally upon Churchmen and Nonconformists thenceforward fell exclusively upon Churchmen. Churchmen consented to this surrender for the sake of peace and goodwill. Yet, in "another place," a noble and learned Lord, from whose antecedents I should have expected other words, almost sneered at this, and asked, "Where can you find the evidence?" He said, in fact, "Show it in the bond?" Of course, it is not there. It is one of those understandings which cannot be written down except in the consciences and minds of intelligent and honourable men, and there it is graven deeply. In 1868, you induced us, or rather we came forward, to abandon the compulsory church rate; and who was it that was foremost to accept the compromise? The foremost Churchman in this House then to do it was the present Marquess of Salisbury, and it was his influence, as much as that of any man, that induced the Conservative Party willingly and cheerfully to accept it. All I can say is, that we voluntarily abandoned compulsory church rates then, and thereby we took upon ourselves the sustentation of the churchyards. And we did not, by one hair's breadth, attempt to diminish the liberty of Dissenters to be buried. What was the reward we got? Simultaneously with that concession came this agitation. We are, I know, the "stupid Party;" but the

"stupid Party," at least, will be allowed the privilege of being able to affirm, without contradiction, that two and two make four. I do not ask for any higher exercise of our intellect. Well, simultaneously, or within a few months of that concession, the Liberation Society came to the fore. In the first programme of the Liberation Society we find these words, as defining the object of that Society—

"The application to secular uses, after an equitable satisfaction of existing interests, of all national property now held in trust by the United Church of England and Ireland and the Presbyterian Church of Scotland, and, concurrently with it, the liberation of their Churches from all State control."

The batteries were unmasked, and the future campaign was ostentatiously, I may say rashly, proclaimed by the chiefs of the spoliation party. I have given you the words of a London Nonconformist. I know that there is much jealousy of London in the large provincial towns; and, therefore, I will give you the words of an eminent provincial Nonconformist, who hails from Birmingham, and is, therefore, well-known to the right hon. Gentleman the Chancellor of the Duchy of Lancaster. I refer to Mr. Dale. I believe that he is one of the leaders of the Nonconformist party in Birmingham. Now, what says Mr. Dale? Mr. Dale tells us—

"Nonconformists had not concealed what their real intentions were. What they were going in for was complete religious equality in life as well as in death, and as they asserted the graveyards belonged to the parish, so they asserted that the church belonged to the parish."

You see that Mr. Dale does not agree with my right hon. and learned Friend the Judge Advocate General in the distinction he draws between the church and the churchyard. "They did not intend to disguise how far their principles carried them." I say that, taking all these things together, we should indeed be worthy of contempt, and worthy of defeat; we should be worthy of a worse discomfiture than Her Majesty's Government may be preparing for us to-night, if we pretended to accept the lip-service of those who assure us that this is nothing but a philanthropic movement, and that anything like an assault upon the fortress of the church was the last thing they hoped, expected, or intended.

Now, I come to what the right hon. and learned Gentleman calls, in one

phrase, "the clergyman's point of view;" in a second, "the feeling of the clergy;" and in yet another one which, I think, on reflection, he will agree, was not so commendable in point of taste, "the clerical monopoly." I want to present to the House, if I can, what the feeling of a country clergyman would be as to the present state of things, and as to the state of things which would exist if the Bill now before us should become law. My right hon. and learned Friend has smoothed the way before me; because he has laid down, very strongly and very clearly, that what he calls "a sentimental grievance" might be, and ought to be, as real a grievance as any other grievance of a material character. If the picture I desire to draw presents a merely sentimental grievance, my right hon. and learned Friend will, I am sure, thinking as he does, defend and vindicate me. Why is it that the zealous clergyman values the use of the Burial Service? Is it for the sake of inflicting insult on his Nonconformist brethren? I repudiate so abominable an insinuation. Is it for the sake of parading sacerdotal power and pomp? That supposition is ridiculously preposterous. When I explain what the clergyman's real feeling is, Churchmen will understand me, and Nonconformists, whether they understand me or not, will see that it is a motive which claims respect. The Burial Service is part of the body of devotions which makes up the Christian life of the Church of England. The Church of England presents itself with forms and ceremonies—not, indeed, with such elaborate forms or lengthened ceremonies as those of other Churches in the West and East, but still such as are as really ceremonial in their simplicity—for it holds that forms and ceremonies are part of God's Ordinance in this world, ordained, as it is, by Him, not of disembodied spirit, but of matter controlled by spirit; and it thinks that it finds, both in the Old Testament and in the New, ample warrant for that belief. Taking, then, the Prayer Book in due order, there is, first of all, in the English Church the ordinary Service, not only on Sundays but on every day. Then there is Baptism, which is the initiation into the Christian Church; there is likewise the admission to higher privileges at Confirmation; there is the Holy Communion of the Lord's Supper; and there

are other occasional Services mixed up, for the most part, with the joys and cares, and the happiness and the responsibilities of domestic life; and, finally, there is the last event for all of us—the Burial of the dead! A clergyman who strives to do his duty as a minister of that Church—the Church in which he has taken his Ordination vows, belonging, as he knows himself to be, to that Church, sworn to carry into effect its machinery of consolation for the souls committed to his charge—accepts the work of giving effect to these Ordinances as God's embassy to the world. To him, all and every one of these Services is an occasion of teaching. It is a sermon, as well as a rite; it is a means of bringing Heaven and earth together to the mind, and for the benefit of man. When he measures the spiritual effect of the Burial Service, he does not merely make account of the momentary impression caused by each repetition of that Service. He does not only rely upon the warnings and the consolations which it offers when the human mind is most open to such impressions. He dwells upon the power which it places in his hands, whenever he wishes, of pointing to the vanity of human wishes and the shortness of life, not by quotations from Horace, but by words, which once heard at the open grave, can never be forgotten. He knows with what double force he can from his pulpit press the warning, that "man that is born of woman" hath short stay. He anticipates the responsive thrill, when the drooping soul is bidden to take comfort with the glorious assurance, "I know that my Redeemer liveth." Such teachings come to all as the echo of some occasion, or occasions, which give to them a personal influence beyond their sacred origin. Such is the Burial Service to the Churchman, as part of the Church system; while that system to be real must be consistent. I am not the optimist which my right hon. and learned Friend is. I do not put aside as preposterous the risk of ill-disposed men abusing the privileges which this Bill would give. Still, I will waive my fears for the purposes of this discussion. I presume that every Service in the churchyard will be performed in fulness of heart by him who officiates, and that he will attempt to improve the occasion by offering his own exposition of Christianity as he holds

Christianity to be. But the more his Christianity differs from that of the Church of England the heavier will the burden be upon him of proclaiming what he believes to be the Gospel, the more necessary will such a man believe the duty to be of making a loud, sharp, and clear pronouncement of what he believes in terrible earnestness. Figure to yourselves what an energetic, probably a truly devout, but, perhaps, a narrowly fanatic representative of some small introspective sect, will feel to be his moral duty whenever he has the opportunity of officiating in a churchyard, and you will have no difficulty in appreciating how far the clergyman of the parish will like the funerals which will have become by Act of Parliament possible in his churchyard. He will find that churchyard crowded, not by the mourners, but by the idle throng which gathers and crowds to a fair when Wombwell is there, or gathers and interrupts round some heartrending accident. ["Oh!"] It is very well to say "Oh!" but I cannot understand the great squeamishness which has come over the House to-night. Why should not irreligious people go to hear a popular preacher as they go to see a show? ["Oh!"] Hon. Members may cry "Oh!" but I have no doubt that my right hon. and learned Friend, who is justly popular in Denbighshire, would be glad if he had the same sort of audience at his autumnal speeches as that which is secured by a popular exhibition. Certainly, when I myself was a borough Member, such were my feelings. The clergyman sees his parishioners gathered together in the churchyard to hear the eloquent words of some famous minister, say, of the Primitive Methodists, or of some other of those sects which still hold the terrible doctrines of Calvin in all their grim severity. That clergyman would hear, no doubt from earnest lips, in burning language, fraught with many Scriptural phrases, words that would make his blood run cold in his veins, because they would be to him so horrible, so unloving, so impossible a representation of the Gospel of love and of the God of love; and yet the man who used them would be untrue to his God and his duty, living as he did upon the terrible code of Calvin, if he did not brandish the menaces which make the parish clergyman sick at heart. ["Oh!"]

I trust that those hon. Gentlemen who call out "Oh!" would go home sick at heart under similar circumstances. Well, now, there is another funeral service in the same churchyard in the following week. The clergyman goes there too. The funeral in this case is conducted by a Universalist. The Universalist minister had probably been as much shocked as the parish clergyman, though not so wisely, at the Calvinistic doom pronounced in the preceding week, and his address would simply be a practical wiping away of any future responsibility which was practically worth anything as a deterrent to frail and sinful man. So the clergyman would find his once quiet flock thrown into confusion between the Universalist and the Calvinist, and utterly perplexed over the teaching of the Prayer Book and of the Burial Service, on which he had so painfully built up their belief. The House would hardly believe that that clergyman would go home in a very affectionate mood towards the Judge Advocate General and the Lord Chancellor.

There is one concession which I hope to obtain from the good sense of the House and of my right hon. and learned Friend. I claim that women's services may not be allowed in the churchyards. By this Bill they are so. The question was put to the Lord Chancellor a short time ago, and he answered directly that as the Bill stood they were. Hon. Members may have read that chapter of St. Paul, in which, unlike some discourses we have heard from the Treasury Bench, he argued with much force, but with no vituperation, against the indecency of women performing public ministrations. What would the clergyman's feelings be when, on a Monday, strolling into his churchyard, he saw, perched upon a tombstone, some holy Mœnad, inebriate with pious zeal, screeching out in the wildest accents the most ultra-Calvinism? I have endeavoured to treat the question as plainly and simply, and with as little exaggeration, as possible. ["Oh!"] I recall that expression, and I say, with no exaggeration at all, I have endeavoured to picture what may be, and what will be, the results of the Bill. To show what the state of things is now, the House will, perhaps, allow me to read an extract from a letter which I have received this morning from a Kentish clergyman, vicar of a parish, of old no-



torious as a head-quarter of Dissent, the birth-place and the burial-place—with the Church's Service—of a well-known founder of a sect. This gentleman says—

"It is the country clergy who will be affected by this legislation. It is a matter of little surprise that Liberal Bishops should vote in favour of the Bill, since, however eminent they may be, they are practically ignorant of parochial matters. The Nonconformists of our parish value the Services of the Church, and of the Clergy of the Church. Frequently have I officiated at the funerals of Nonconformists, having met the procession headed by the Nonconformist minister at the church gates. The minister has remained by my side throughout the Service."

Is that the state of things you wish to see universal? If so, why do you destroy it? Who is the person who will suffer by the Bill? It is, of course, the parish clergyman. If you want to know the character of the parish clergyman, I think I cannot do better than quote the words of another eminent Dissenter. It is that holy man, that truly eloquent preacher, that pastor of souls—Mr. Spurgeon. Mr. Spurgeon published a work called *The Sword and Trowel*, in 1872, and he asks—

"Is the priest with his communicant for ever to be quartered upon us as an ecclesiastical dragoon, and, for his insult, to be fed with tithes and offerings? If there be justice among our statesmen they cannot allow such wrong to be perpetual. Since there is justice with the Most High, He will not suffer them to go unpunished. To the eternal God"—

I really must apologize to the House for reading these expressions, but, happily, they are only few—

"The Nonconformists appeal against the tyranny of that Popish Church which now lords it over us. Oh Lord! how long?"

That is Mr. Spurgeon's declaration of policy; and you expect the clergy to be hoodwinked by sentimental appeals such as those which have been made by my right hon. and learned Friend. Yet, even the clergy have human feelings; although, as Mr. Spurgeon says, in another passage—

"To raven like the wolf and to plunder like the freebooter has been the peculiar prerogative of the Church of England."

I am glad that my right hon. and learned Friend has not fallen back upon the charitable fallacy of "burial like a dog," to define silent burial. This is a fallacy long since demolished by the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright), who reminded us that the persuasion to which he

belongs cherishes this silent burial. It is the law of all the Presbyterian Churches in Scotland; and in the great Roman Catholic Church all over the world the Service in the church is immeasurably the more important one. I only refer to that matter now, in order to point out a very curious singularity—that this strong passion for the use of a Service should have been so suddenly developed among sects to whom ecclesiastical forms and ceremonies used to be abhorrent, concurrently with the abolition of the Irish Establishment and the establishment of the Liberation Society.

I will now go on to my right hon. and learned Friend's analysis of the Bill. On one point, I was very much cheered. I thought that since the General Election old things had vanished and the world clean gone round; but, all at once, I found myself on the footing I occupied in the Parliament of 1874. I was actually astonished, Sir, to find myself sitting on your left hand, and still listening to the old stories we used to laugh at before from my right hon. and learned Friend—the excellent story of the widower, by which he can always secure his laugh—the widower of two wives, disconsolate, no doubt, but irreligious and parsimonious, who was sorely troubled because he would have to buy a third grave for himself. All that the poor gentleman has to do will be to take care that his third wife shall be of some faith, or the reverse, which will enable her to be his companion after death. Old wine, no doubt, is better than new; but I am not sure, in the House of Commons at least, that old stories are always the best. The right hon. and learned Gentleman raised the strongest objections to, and expressed the utmost contempt of, the clauses which have been introduced into the Bill by Lord Mount Edgumbe and the Archbishop of York. We heard yesterday afternoon from the Home Secretary that he was prepared to tear another Bill into tatters rather than to accept some Amendments; and I can only congratulate the Judge Advocate General upon so close and so speedy an imitation of this rhetorical declaration. As to the controversy in itself, all I have to notice is that when, many years since, the Judge Advocate General first introduced this Bill, a Select Committee sat upon it upstairs, under the Chairmanship of the then Home Secretary, now Lord Aberdare, and

that my right hon. and learned Friend cheerfully accepted substantially these very Amendments. Year after year he continued introducing his Bill so clothed upon. It was long before it appeared naked, but not ashamed. May I not then appeal to my right hon. and learned Friend to remember his fresh, ingenuous Parliamentary youth, when he saw no harm in the arrangements which are now so abhorrent to him? I must now say a word or two upon the Convocation Clause, as it is called. It is a Convocation Clause in the sense of avoiding the offer of what has been recommended by Convocation, but of preferring something which was only a colourable likeness to the scheme Convocation recommended—a certain series of new Rubrics, covering the whole Prayer Book. But Convocation accepted even these only as part of its more important recommendation of an easy way of legislating for the future on Rubrics. It prepared a Bill for this object, to which then already prepared Rubrics were added as a Schedule. But what Convocation particularly avoided doing was to invite the Government or Parliament to pick and choose at their pleasure one or more of these Rubrics, and drop the rest. This scheme of alteration was to be taken or left as an entire body of new Rubrics. It equally intended to avoid Parliament considering the Schedule in any way without taking up the Convocation Bill. So much for the Convocation of Canterbury. The Convocation of York differed in one material point over what are currently called the second and third classes of Burial Service; so what the Government now proposes is to give us a fragment of the Convocational scheme under conditions which Convocation distinctly would not accept. Well, the proposal, as it stands, may be a good one, and it may even receive the full approval of hon. Members below the Gangway; but they must not think that they are carrying out the suggestions of Convocation by accepting Schedule C. I have not much more to say. I cannot be so blind to the present condition of politics as to think my appeal to the House will be successful. But I am not afraid to make it; for it is better to be beaten in a good cause consistently, and standing to one's colours, than by accepting any perilous compromise to palter away the power of making a stand else-

where. History, I believe, will do that justice to the cause for which I appeal, which I do not expect this House to render now. I beg to move that the Bill be read a second time on this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Beresford Hope.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. WALTER said, he was not sure that the strain of eloquence to which they had just listened, however amusing it might be in itself, or however characteristic of his right hon. Friend, was altogether calculated to promote that gravity of feeling and temper with which the House ought to treat an important subject. He would not attempt to rival his right hon. Friend in the length of his speech; but would merely offer a few remarks on the Bill before them. His right hon. Friend had expatiated rather too freely, perhaps, on the probable consequences of the Bill with regard to the admission of Dissenters to the churches as well as to the churchyards. That question was not as yet before the House; but when the time came he should be ready to make as good a defence for the Church as the occasion might require. The subject, however, that they were now discussing had been before them for many years; and, as his right hon. Friend was aware, the proposed measure had received the assent of the responsible Leaders of the Church in the other House. That circumstance alone might have entitled the Bill to his right hon. Friend's respectful consideration, or might, at least, have induced him not to oppose it by a direct negative. His right hon. Friend had even admitted the first half of the argument on which the Bill was based, but had failed to admit the logical necessity of the other half. He had admitted that every parishioner had, by Common Law, a right to interment in the churchyard. That point being admitted by his right hon. Friend, he wondered that so clear-headed a man should have been able to resist the conclusion to which the argument led. Granted that the right of interment in the churchyard belonged

as a civil right to every citizen, it followed that the friends of a deceased citizen had a natural right to see that his interment was accompanied by such a religious Service as commended itself to their judgment. Granting the civil right of a parishioner to be buried in the churchyard, on what ground were they to refuse him the right of having his funeral accompanied by such a religious Service as his friends might approve? He had never yet received an answer to that argument. He advanced it, of course, with the qualification that the religious Service was not to be of such a character as would be calculated to give offence to other people, or to provoke a breach of the peace. His right hon. Friend had argued that religious ceremonies in the churchyard were no necessary part of interment, and that silent burial was all that people had a natural right to ask for. With great truth, his right hon. Friend stated that public opinion in certain religious bodies had undergone a great change on this subject within the last 300 years. No doubt, it was a fact that on this subject, as well as in regard to other ecclesiastical matters, the opinions of Nonconformists had changed. For example, in former times they were content with more modest buildings than they were content with now. They now erected splendid edifices, with stained-glass windows, spires, bells, and all the paraphernalia of the most advanced Episcopal churches. So, no doubt, there had been a change with regard to the feeling in favour of devotional Services at funerals; for at the period of the Reformation the Nonconformists generally were opposed to Services in the churchyards. He desired to call his right hon. Friend's attention to the following passage from an author whom he would respect more than the writers he had himself quoted on the present occasion:—

“The greatest thing of all others about this duty of Christian burial is an outward testification of the hope which we have touching the resurrection of the dead. For which purpose, let any man of reasonable judgement examine whether it be more convenient for a company of men, as it were in a dumb show, to bring a corpse to the place of burial, there to leave it covered with earth, and so end—or else to have the exequies devoutly performed with solemn recital of such lectures, psalms, and prayers, as are purposely framed for the stirring up of men's minds unto a careful consideration of their estate both here and hereafter.”

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The writer of those words was Richard Hooker, who, it would be noticed, did not draw a distinction between Christian burial and legal burial. As far as this Bill was concerned, it was confined expressly to Christian burials. But the point to which he wished to call his right hon. Friend's attention was that the argument in favour of silent funerals was most emphatically condemned by this writer, whom he knew his right hon. Friend would acknowledge to be as great an authority on Church discipline as ever lived in the Church of England. This Burials Question had excited men's feelings for a great length of time; and he was very much struck by being accidentally reminded of it the other day by the opening of one of Sir Walter Scott's most beautiful and touching stories—*The Bride of Lammermoor*. The story began with a description of the funeral of the Master of Ravenswood in the Presbyterian churchyard. The author described the circumstances of his death, and gave the numbers of his retainers and friends who passed from the castle to the churchyard. Contrary to the custom of the period, there marched at the head of the procession a clergyman arrayed in the robes of the Episcopal Church of Scotland. At the churchyard the procession was met by the Presbyterian minister, who, as soon as he saw the rival clergyman, laid his hand upon him and forbade him to open the book. The young Master of Ravenswood ordered the clergyman to proceed with the Service. The Presbyterian minister again interposed; the young Master of Ravenswood drew his sword; whereupon the Presbyterian minister retired to a corner of the churchyard, and the Episcopalian Service was performed in defiance of him. Upon this incident turned the intense vindictiveness of the character of the hero of the story when his feelings were directed into a different channel by another painful circumstance. Such was the feeling which prevailed in Scotland in those days. Was it surprising that a somewhat similar feeling should prevail in our own day; and that, although swords were not now drawn, much bitterness and wrath should be sometimes manifested in many a Welsh village churchyard? The other day he received a letter which confirmed the existence of this feeling. It was from an

old acquaintance of his, who was a Member of that House 40 years ago. He said—

“ I remember some years since attending the funeral of a much respected Roman Catholic at Dorchester (in Oxfordshire), whose ancestors were in the churchyard for many generations. The Roman Catholic Bishop attended at the grave, when, in order to show their distaste to a Protestant Service, he and all the relatives turned round their backs to the officiating clergyman. I never have forgotten the scene, and in order to prevent such a repetition I gladly accept the measure which will allow their burial by their own pastors.”

The writer, he might observe, was a strong Conservative when he sat in that House. The object of the Bill had been so often discussed, its principle had been so generally accepted, and the necessity for legislation so generally admitted in both Houses, that he did not think he need follow his right hon. Friend, or his right hon. and learned Friend the Judge Advocate General, into the arguments they had adduced. With regard to the cemetery question, it had always appeared to him that the only logical way to get out of this difficulty—and the best and the kindest way also—was to treat the churchyard as the cemetery of the parish for the time being. For years past he had advocated that principle pure and simple; and he was prepared to abide by its consequences. He did not think, however, that the present measure adhered to that principle in all respects. One clause in the Bill could not be defended upon strictly logical grounds. He referred to the clause which excluded all but purely Christian Services from the churchyard. No doubt, it would be painful to most hon. Members to see any but Christian Services in the churchyard. Still, the principle on which he defended the Bill was that burial in the churchyard was a civil and a necessary right. That being granted, he did not think it was right to introduce words of limitation of that kind, except so far as they might be necessary to prevent possible breaches of the peace. With regard to the cemetery, he recently had an opportunity of testing the feeling of a parish. There was a large church and a small churchyard, which had been used for eight centuries. It became necessary either to enlarge the churchyard or to provide a cemetery under the Act which had been referred to. He expressed to the parishioners his willing-

ness to do either the one or the other, as they might desire, and they unanimously wished the churchyard to be enlarged, although they knew very well what would be the result of an Act like the present. Therefore, although he had no doubt that in some cases churchyards would be closed and cemeteries adopted, yet he believed that, in a great many cases, the churchyard would be retained as a place of interment. He would only make one or two remarks on that clause of the Bill which provided that a “ Christian and orderly ” Service should be used. In his opinion, any danger which might be apprehended from the desecration of the churchyard, or from offence being given to the parishioners, was provided for by the 8th clause, which enacted that burials should be conducted in “ a decent and orderly manner.” But he did not think it was possible, with regard to consistency, to limit the Services or *quasi*-Services to be performed in these burial-grounds to Services of a professedly Christian character. They must remember that, after all, there were persons in this country who were not Christians; that they had a right to be buried; and that they had friends whose feelings must be respected. He found that many clergymen were opposed to this clause. In the Schedules of the Bill a curious expression occurred, to which he wished to draw the attention of the Law Officers of the Crown. It was provided that a certain thing “ shall not be unlawful.” Now, a great deal of time and learning had been expended in interpreting the words, “ it shall be lawful ; ” and, unless explained, the words referred to would probably give rise to a fresh crop of difficulties. The use of the words, “ it shall not be unlawful,” was all the more remarkable from the fact that the draftsman, in a subsequent part of the Schedule, fell back upon the usual phrase, “ it shall be lawful.” It was important to know whether any subtle distinction was intended to be conveyed by the two forms of expression employed. There were one or two other points in the Schedule which required explanation. It appeared that the Bill provided for three modes of interment, which might be compared to the first, second, and third classes of railway carriages. There was, first, the whole Service of the Church of England; then, an abbreviated Ser-

vice; and, lastly, a Service applicable to persons for whom the other two classes were not available. In the original Bill there was a fourth class which might be compared to an open truck, there being no Service at all. Now, it was provided in Sub-section 2, that in case neither of the aforesaid Services—that was to say, the first and second-class Services—might be used, it should

“Not be unlawful for the minister, at the request of the kindred or friends of the deceased, to use after the body has been laid into the earth prayers taken from the Book of Common Prayer and portions of Holy Scripture approved by the ordinary, so that they be not part of the Order for the Burial of the Dead, nor of the Order of the Administration of the Holy Communion.”

According to that provision, it would be unlawful for the clergyman to read the beautiful passage beginning, “Man that is born of a woman”—which he should have thought, in any circumstances, admissible—or even to read the Lord’s Prayer. That seemed a very queer sort of Service to use. He did not know what particular form of conscience it was meant to relieve. He was not there to deny for a moment that there was a clerical grievance. If he were a clergyman, he should feel that the clerical grievance was the greatest of all. It seemed to him an extremeful painful thing for a clergyman to be compelled to read the Church Service over a person who, to his knowledge, had died an unbeliever; but he was bound to confess that the clergy did not appear to feel it so much as he should have expected. It was, no doubt, very much a matter of taste. He did not see that the Bill provided any substantial remedy for such a grievance; but unless a strong wish were expressed by the clergy that something should be done, he was disposed to leave the matter as it stood. He would not detain the House longer; but would at once conclude by expressing his hope that hon. Members generally would recognize it to be a matter of justice and propriety that the friends of a person deceased should be allowed to hold at the grave such devout and religious Services as seemed to them most suitable.

MR. S. LEIGHTON, who had on the Paper the following Notice of Amendment:—

“That no alteration of the Law of Burial will afford a just settlement of the question which

does not give to all Her Majesty’s subjects equal facilities of burial in all the graveyards of the Country;”

said, he considered it in the highest degree desirable that this question should be approached with a perfect freedom from sectarian jealousy or religious intolerance. Although the right hon. and learned Gentleman who had charge of the Bill had said almost the same, he did not appear to have carried out the principle in his speech. He charged the right hon. and learned Gentleman with having departed from an opinion he had expressed in a published letter, to the effect that Nonconformist graveyards should be dealt with in the same manner as churchyards.

MR. OSBORNE MORGAN said, he had expressed that opinion with reference to public burial grounds only.

MR. S. LEIGHTON maintained that the terms of the letter did not bear that construction. The right hon. and learned Gentleman had chosen to hold up almost to ridicule part of the Creed of the Church of which he was a member, while he had also sneered at the Convocation. He (Mr. S. Leighton) was sorry the right hon. and learned Gentleman had used such expressions.

MR. OSBORNE MORGAN: I never used such expressions. I never reviled Convocation or ridiculed the Creeds, and I did not utter any words which would convey that impression.

MR. S. LEIGHTON said, the House had heard what the right hon. and learned Gentleman had said; but he was glad to accept his disclaimer. But, for the same reason, he thought the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) was unwise in referring to the violent language of a certain minister of religion. He was willing to admit that the Burial Laws required amendment, and he thought the State had neglected its duty in this respect. He pointed out that the burial-grounds of the Nonconformists were under the control of the Home Secretary, fell under the Charity Commission, were exempted from local taxation and succession duty, and were limited in use, and could not be regarded altogether as private property. No churchyards were national property in the same sense that the British Museum and National Gallery were national property. They were vested in the incum-

*Mr. Walter*

that purpose was effected was objectionable. Instead of altering the Rubric, it enabled the clergy to break the law, and gave them an indemnity for doing so. He hoped, however, that the House was going to settle the question—so far as it was a religious question—once for all. He should object to any pretended settlement which should give Dissenters only a provisional right of being buried in churchyards until cemeteries should be provided. What largely influenced Nonconformists in the matter was the desire to be buried where their friends had been buried before; and it would not be right to say, in effect—“You may be buried in the churchyard; but when a cemetery is furnished those who come after you must be buried there.” The time had come for the sweeping away the obstructions and prejudices of the sects in regard to burials. The opposition to the measure was purely ecclesiastical, and came mainly from the country clergy. He believed that the concession of a popular right would go far to abate the feelings of hostility which prevailed between Churchmen and Nonconformists on this question, and to remove sectarian animosities.

MR. SCHREIBER said, the opponents of the Bill were placed in the difficult position, by the circumstances under which it had come down from the other House, of laymen “rushing in” where Archbishops “feared to tread;” but as laymen they, probably, had a nearer view than did the Prelates of the politics of this wicked world. They saw that this Bill would create, rather than remove, a grievance. It took the property of one religious body and transferred it to another, and compelled the clergy, who considered that they held their churchyards in trust for interments of parishioners with the Service of the Church, to stand by and see other Services introduced. That grievance would long be keenly felt by the clergy in the rural districts. As to the alleged grievance which the Bill was intended to remove, he would remind the House that, in the eye of the law, everybody was a member of the Church of England. And no right of interment existed by law except according to the ceremonies of the Church. His authority for that statement was no less a person than the noble and learned Lord who had introduced the Bill. On

the second reading of the Bill, the Lord Chancellor said—

“The present legal right is a right to burial in the churchyards, and I admit that it has always been subject to certain ecclesiastical conditions.”—[3 *Hansard*, ccliii. 1064.]

With those conditions Nonconformists had, of their own free choice, ceased to comply, and, ceasing to comply, they had parted with the right of burial. The noble and learned Lord also said—

“We have been told, and, I believe, quite truly, that in cemeteries, where the ground is divided into consecrated and unconsecrated, and where every man is free to choose the mode of burial which he prefers, a great majority of Nonconformists prefer to be buried with the Church Service in consecrated ground.”—[*Ibid.* 1066.]

It came to this—that the legal grievance had no existence; and the grievance founded upon sentiment must, from the practice of Dissenters where cemeteries existed, be put far lower than that which the Bill would set up and keep alive in the breasts of the rural clergy. And when they were asked to respect the religious opinion of every class, was it too much to ask that the feelings and the rights of the clergy of the Church of England should be respected in their turn? Could they, as practical politicians, expect that, by yielding their rights, they should settle this question? He apprehended not, with the question of church rates still fresh in their recollection. The Dissenters formerly complained that they paid for the churchyards though they did not use them; but the complaint of the Churchmen now was that the Dissenters used churchyards for which they did not pay. The abolition of church rates left Dissenters without a leg to stand upon in the argument. Whether the Dissenters would be more likely, when they got the churchyard, to get the fabric of the church, or whether the people who had been unsuccessful in resisting Services in the churchyard would be able to sustain their objections to Services in the church, depended, in his opinion, on which was the stronger party in that House, for they had to deal with an enemy who knew no law but that of the stronger. They could protect the Services and endowments of the Church exactly in proportion as they were strong. If anyone thought that peace was to be purchased by making this concession, he was as about as wise

as that man—he thought it was Sheridan—who, when he renewed a bill, thanked God that that was off his mind. The lessons of history did not teach him that peace was to be purchased by buying off the barbarians. He thought it the better plan to buckle on their armour and fight them; and if they were to fall, let them fall fighting on the threshold of their rights, and not when principles which they knew to be fatal had effected a lodgment within the lines which it was their honour and their duty to defend. He should give a hearty vote against the second reading of the Bill.

MR. B. T. WILLIAMS said, that Nonconformist chapels and burial-grounds were in no respect public property over which, as such, Parliament could have any control. It was only within the last 10 years that Nonconformists had been able to hold property for public purposes; and the result was that most of the Nonconformist burial-grounds were private property, or were vested in trustees. He was, personally, the absolute owner of the fee-simple of two burial-grounds. The importance this question had assumed was due, not to the nature of the question itself, but to the opposition which had been offered to an attempt to do an act of simple justice, and to the arguments that had been adduced in justification and explanation of that opposition. It had been said that this was only the first step on the part of the Nonconformists in an effort to seize the property of the Church of England, and that they wanted to get through the churchyard into the church itself. Such a suggestion was entirely unfounded, or, at any rate, founded upon a misapprehension and misunderstanding of the opinions of Nonconformists, and of the position they took up in reference to the question of Disestablishment. There was not a single Nonconformist in England who would for a moment accept a farthing of the property of the Church of England. They said the Church was a National Institution, and, because it was so, they claimed their rights as parishioners—because, as the late Home Secretary said, it was the Church, not of the priest, but of the people of England. He approved of the Bill which had been introduced year after year by his right hon. and learned Friend the Judge Advocate General, and he regretted that in

the present measure concessions had been made to certain important interests. In many parishes in Wales the operation of the Bill, as it stood, would leave a great grievance unredressed. With reference to the word “Christian” in the 6th section, its interpretation was wide enough to include all but a very small minority in this country. Still, there was a minority of earnest and good men, however much they might err on matters of religion, who would be condemned to silence in burying their dead. He should be content with the words “orderly and decent,” or “Christian or orderly;” and he would allow those who, though not professing to be Christians, claimed to be good citizens and to cultivate high aims and hopes, to utter the words of consolation and encouragement to those who were closing the grave over their departed friends. If it was a question of passing the Bill with the word “Christian” in it with its present meaning, or striking out the word and not being able to pass the Bill at all, he had no doubt that many hon. Members would agree with him that the word had better remain. He was not one of those who objected to the word; but, still, he was charitable enough to put himself in the position of other people, and, consulting their rights as parishioners, try to give them justice. He hoped the Bill would now pass a second reading, and that the question would speedily be settled once for all. It was full time the agitation was terminated; and he was glad the Government had signalized its advent to power by making this fair effort to achieve a legitimate settlement of this difficult question.

COLONEL MAKINS, in supporting the rejection of the Bill, said, he did not believe the Nonconformist Body regarded the alleged grievance for which this Bill was to provide a remedy as a real grievance. It might be partly a sentimental grievance; but it was one of a series which were put forward by a few political Dissenters, such as Mr. Carvell Williams, and those whom he represented. The measure was an unwise one, and he could not help feeling it was also unjust. Why should the Nonconformists have an almost equal use of the churchyard which they did not contribute to maintain? Besides, this was a mere stepping-stone to something further.

When the Nonconformist minister had to conduct a funeral in inclement weather, would it not be asked why he should be exposed to the fury of the elements, while the Churchman had his Service in the church? He was glad to find that the right hon. and learned Gentleman the Judge Advocate General intended to retain the word "Christian," although, having swallowed the Northampton camel, he did not see why the Government should strain at the "gnat" in this Bill. As to consecration being a mere civil matter, the great mass of Churchmen did not look upon it in any such light. He was sorry to hear, in the last debate on this subject, the right hon. Gentleman who was now Chancellor of the Duchy of Lancaster (Mr. John Bright) impair the effect of his great eloquence by an unnecessary and unworthy sneer at consecration. He (Colonel Makins) could assure him that that rite was held by Churchmen as a most sacred one; and their feeling against this Bill was much more caused by reason of the effect which it would have in casting a slur on consecration than from any supposed invasion of their rights. With regard to cemeteries, he rejoiced to have been a supporter of the Bill which Mr. Marten carried in the late Parliament. It might be true that there had been only 10 applications under the Act; but if longer time had been given those applications would have increased, and in that way the question might have been settled. He only hoped that the prophecies that the Bill, when passed, would work smoothly would be verified. Some of the clergy with whom he had conversed on the subject said that when it was passed they would endeavour to carry it out loyally. There would be no feeling on their part but one of soreness. The right hon. and learned Gentleman (Mr. Osborne Morgan) had spoken with some scorn of the dividing wall in cemeteries. For his own part, he took much the same view as Abraham Lincoln did, who, when asked to subscribe towards building a wall around a burial-ground, said—

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Mr. WOODALL congratulated the Judge Advocate General on being able to bring forward a Bill embodying the principle for which he had so long contended. Referring to the charge made by the right hon. Member for the University of Cambridge (Mr. Beresford Hope), that the Nonconformists were guilty of a moral breach of faith in pressing the Burials Question after the abolition of church rates, the hon. Member pointed out that the right hon. Gentleman had not offered any evidence whatever in support of this serious charge; and he (Mr. Woodall) was sure that no Dissenter ever thought of giving up his rights as a member of the Established Church in consequence of church rates being abolished. In view of this mistake on the part of the right hon. Gentleman, it would be well to guard against any misunderstanding of the Nonconformist position on this occasion. For himself, he did not shrink from saying that he adopted the passages which had been quoted by the right hon. Gentleman from Dr. Landels, Mr. Dale, and Mr. Spurgeon. He had the honour of being a member of the Council of the Liberation Society; and he would say that they were not prepared, for the mere purpose of carrying this Bill, to compromise the great principle of religious equality. They thought they were consistent in demanding that national property should be applied to national purposes. Hon. Members opposite must know that this question had been a useful one. Public opinion had grown—and he ventured to say it would continue to grow—under the discussion of it; and it might be a matter of policy for hon. Members opposite in dealing with it to prevent its leaving the germs of a new agitation, and which he and others would do their best to take advantage of. The main question for the House to consider was whether they would now apply themselves to the settlement of this long-agitated question in a spirit which would make it a definite settlement. He was glad to hear the right hon. and learned Gentleman say—



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*Mr. Schreiber*

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that he was willing to amend the Bill as it came down from "another place" in a way which would make it more acceptable to the Liberal Party. He would ask the House to consider specially those parts of the Bill that had been expunged, and that had reference to cemeteries. It was a little surprising that, after having surrendered the churchyards, the other House should wish to continue the strange delimitation of the cemeteries. Speaking as a member of a Burial Board, he knew that public opinion and feeling did not demand the present restrictions. There were charges and expenses connected with them which were a constant source of irritation and annoyance, and he ventured to think the country generally saw with great satisfaction some words which fell from the late Home Secretary in the course of the discussion on this subject in the last Session of the late Parliament. He (the late Home Secretary) there stated the fact that, as he traversed the country, he saw here and there two or three chapels in the several cemeteries, and he was perfectly certain—and he knew it from the expression of opinion which had come from people representing all sections of religious opinion—that there had been in many parts of the country a strong desire to see one building for the common service of all religious denominations, and they had been prevented by the—should he say—antiquated, or, at all events, irritating provision in the present Cemetery Laws. They were being continually reminded in this House, and "elsewhere" certainly, that there were two classes of Dissenters—the political Nonconformist who lived by agitation, and that of a very exemplary character, the religious Nonconformist—and yet he should like to know where the association or community of Nonconformists, nay, the individual Nonconformist, could be found who would say that the existing Burial Laws were sufficient and did not need rectification? As a Nonconformist by birth and conviction, he should be sorry to occupy the time of the House in speaking as one of that body; but he did think, as a Member of this House, that the Bill now before them was a practical, common-sense, business-like settlement of a question which had not only encouraged religious animosities in the country, but involved a vast amount of inconvenience,

*Mr. Woodall*

and which, when once settled, he hoped would be so settled as to cause it to be regarded with satisfaction like that with which they all now regarded those other great Acts which embodied that great principle of legislation—the perfect equality before the law of all citizens.

SIR JOHN R. MOWBRAY said, that the House had reason to thank the hon. Member for Stoke-upon-Trent (Mr. Woodall) for the clear, distinct, unqualified, and uncompromising way in which he had raised the issue. He had identified himself with the opinions of Dr. Landels, Mr. Dale, and Mr. Spurgeon. The Bill, then, was now openly advocated in the House as an instalment of a larger measure. That gave a very pleasant prospect of an additional controversy. His right hon. and learned Friend the Judge Advocate General had, like himself, been accustomed to hear many speeches on the subject; and he could not help contrasting the modest tone in which the measure used to be introduced by Sir Morton Peto with the way in which it was now supported. Formerly, Sir Morton Peto had told the House that it was a very small measure. It was alleged that the religious tenets of the Baptists and the Quakers were such as to preclude them from the use of the Church of England rites at their interments. Sir Morton Peto's Bill, therefore, had reference mainly, if not solely, to those persons. It was supported, further, not on the broad ground that the churchyards belonged to the nation at large, but because all persons in the parish contributed to the rates, and were, consequently, all entitled to the same privileges. They were told that the churchyards belonged to the nation. If that was so, by whom were they maintained? Not by the nation, certainly, but by the members of the Church of England. Those who held that the nation at large had a right to the churchyards ought to be willing to restore the church rates, and order the Dissenters to contribute to their maintenance. After all, what was the grievance? To a great extent it was a grievance of the Principality. His right hon. and learned Friend practically admitted that fact, and spoke of the support they received from the Welsh Members. But, with the exception of Wales, the extent of the grievance was much less than it was usually represented to be. To a very large extent

cemeteries had supplied the wants of Nonconformists for the last 30 years. And in many parts of the Kingdom the Dissenters had provided themselves with graveyards of their own. As for the Bill itself, the hon. Member who had just sat down had spoken of it as a comprehensive measure. That was undeniably true of the Bill as originally introduced. It was the first Bill which included the consecrated portions of the cemeteries as well as churchyards. It was a very large measure. But, after all, what was the measure which they were asked to consider that night? It was not the Bill as sent down from "another place." The Judge Advocate General had thrown over the clauses of the Archbishop of York and of Lord Mount-Edgcombe. The Judge Advocate General had said the Government would insist on the retention of the word "Christian." What, then, became of the comprehensive and national character of the Bill? Where was the provision for the interment of Jews? What recognition of the opinions represented by the hon. Member for Northampton (Mr. Bradlaugh)? The Judge Advocate General had spoken ambiguously about Clause 14, and the important Schedule of the Bill. The Judge Advocate General wished to consider the feelings of the clergy. He had no objection, indeed, to Convocation. But he would reserve his views on those points until the Bill got into Committee. He wished to know whether the Government intended to adhere to the Schedules; because if they were to legislate in a comprehensive way, it would be necessary to have some consideration for the consciences and feelings of the clergy. The Bill invaded the freehold of the incumbent. A great constraint and degradation was put upon a clergyman when he was compelled, under the penalty of misdemeanour, to register burial performed by ministers of other denominations in the churchyard in which he had a freehold. It might remedy a small grievance, but it would not produce harmony. It would wound the consciences and exasperate the feelings of 15,000 clergy. It would introduce discord and confusion into 10,000 rural parishes. It would infringe the rights of the Established Church. According to the admission of the hon. Member for Stoke-upon-Trent, this Bill would be a stepping-stone to the demand for Dis-

establishment. The clamour for the churchyards would be followed, a few years hence, by a clamour for the churches; and, consequently, he had no alternative but to give his vote against the second reading of the Bill.

Mr. MARRIOTT said, he was not at all surprised that the clergy of the Establishment were opposed to this Bill, as they, like other classes of Englishmen—such as landowners, employers of labour, military and naval officers, and lawyers—naturally objected to their interests being threatened, as they supposed they were in the present instance. No doubt, a great many of the clergy firmly believed, rightly or wrongly, that this measure was another step towards Disestablishment, and that an attempt would afterwards be made to have matrimonial and other Services conducted in the churches by Nonconformist ministers. That was the conviction of a large body of the clergy throughout the country, and it was a conviction which ought to be treated with respect and consideration. But as to the allegation that the adoption of the measure now before the House would be a step towards Disestablishment, he believed that the passing of the Bill would be a step from Disestablishment. So far from leading to Disestablishment, he believed it would postpone that question, if not altogether put it off. At various dates between 1828 and the present time, on the occasion of the disabilities of the Nonconformists being removed, the cry was raised that the Church was about to be disestablished, but in each case the prophecy had been unfulfilled; and, as a matter of fact, the Church of England had made immense progress in the affections of the people during the last 50 years, as was shown by the increase of the Episcopate and the enormous sums raised by voluntary exertions for Church purposes. On this Burials Question all Nonconformists of the country were absolutely unanimous, be they Independents, Baptists, Congregationalists, or Wesleyans; but this was not the case with regard to Disestablishment. The great Wesleyan Body, for instance, was not opposed to the Church of England. The burials grievance of the Nonconformists was as old as the year 1833; and its abolition would, he believed, tend only to strengthen the position of the Church. The less the

Church depended for her strength upon the rotten scaffolding of her invidious privileges, and the more she depended upon the hard, honest, self-denying work of her clergy, the stronger would she be, and the further from Disestablishment.

MR. A. J. BALFOUR attached a great importance to the 7th clause, which the right hon. and learned Gentleman the Judge Advocate General proposed to leave out, inasmuch as it secured to the Church a reversionary right in the churchyards to take effect as soon as the practical grievance of the Dissenters was removed by cemeteries being provided or otherwise. The grievance of Dissenters, which he perfectly admitted, would be removed by the Bill with that clause in it; and he regretted to learn that the Government, by condemning that clause, had taken a course which would alienate Churchmen and encourage those political Nonconformists whose object was the Disestablishment of the Church. The intention of the Government to oppose the clauses which had been introduced into the Bill was sufficient to justify him in voting against the Bill. No doubt, the Government would have a majority; but he had always felt that the Church, in fighting this question, had been forced to take up the ground which was least defensible of all. It was not that the arguments by which the position of the clergy could be supported were weak; but because they were not arguments which could for one moment compete with the arguments on the other side in their extreme simplicity. Nothing was easier than to dilate in rhetorical language upon the grievance which must be felt by every man whose relations were buried with Services which in their lifetime they would not approve. This was an argument which appealed to feelings that were strong in the mind of every Englishman. It could easily be put before the people—and it came naturally to any orators so to put it—that in preventing a man being buried with the Services he would have approved they were doing an injury to him and to his relations. On the other hand, the argument of the clergy depended upon historical considerations which were not known to all. It depended upon a knowledge of the circumstances of the parochial clergy, and considera-

tions, difficult to weigh, with which everybody was not familiar, and which it was not easy to throw into the form of an eloquent peroration. The right hon. and learned Gentleman had shown how easy it was to use vague and eloquent phrases in support of the measure; and no doubt, before the debate closed, the right hon. Gentleman the Member for Birmingham (Mr. John Bright) would indulge in that kind of rhetoric with which so great a master of the art easily appealed to the feelings, and which did not tax the understanding to any great extent. ["Oh, oh!"] No one admired the right hon. Gentleman more than he did; but he thought everyone must agree that the strongest part of the right hon. Gentleman's eloquence was not his reasoning. ["Oh, oh!"] Well, he would not pursue the point any further. As the Government intended to omit the 7th clause, he should feel bound to vote against the Bill; though if it terminated the long and painful conflict on the subject of the Burial Laws, he should not view its passing with unmixed regret, for it would put an end to a controversy which was a source of strength not to the Established Church, but to those who wished her destruction.

MR. H. H. FOWLER regretted the introduction into what was otherwise a peaceful and conciliatory speech of a most unfortunate attack upon the right hon. Member for Birmingham. He protested against the question of Disestablishment being mixed up with that of the burial of the dead; but if the subject were to be introduced, he would say that the persistence in the retention of this unfortunate privilege would strengthen the arguments for Disestablishment. The measure came from "another place," where the advocates of Disestablishment were not numerous, and it was based upon a Resolution introduced by a Conservative and a devoted Churchman. Dealing with the measure as one to remove a grievance, they ought to discuss it upon its merits alone. It was to be regretted that the right hon. Member for the University of Cambridge (Mr. Beresford Hope) had not studied the opinions, works, character, and Ritual of the Nonconformists. If he had, he could not have made a speech so ungenerous and so unjust. Nor would he have ridiculed the Services of the Nonconformists. The Wesleyan Service for

the burial of the dead was the Office of the Church of England; others used portions of Scripture, with the offering of prayer, and, occasionally, an address when the deceased was a person of distinguished character. The funerals of the Society of Friends were generally conducted in silence. It was not fair to argue upon the possibility of some eccentricity which never had occurred, and which there was no probability ever would occur. Let them give Dissenters credit for being human; let it not be believed that, on the most sad and solemn occasion, when controversies were hushed, and strife was closed, they would desire to say anything offensive or distasteful, still less to cast a slur upon the common religion of all. The grievance was this. Every Englishman had a civil right to be interred in the churchyard of his parish; the law of the Church of England prohibited the reading of the Burial Service over an unbaptized person; there were many Dissenters who were not baptized in infancy, and many persons from other causes were not baptized. Therefore, a great number of persons were left, so far as the Church was concerned, to be "buried like a dog." Many Nonconformists did not object so much to the Service of the Church of England, as they claimed the presence of their own minister. These were the grievances the House was called upon to remedy, without regard to any ulterior purpose, the existence of which he denied. It was proposed to remedy them exactly upon the lines of the Bill of the hon. Member who had just spoken. His Bill spoke of the rites of the denomination to which the deceased belonged; and this Bill spoke of such Christian Service as the person in charge of the interment should select. The avowed intention was to allow a religious Service to persons who, by the law of the Church of England, were not entitled to have it. The Amendment introduced in the House of Lords limited the proposed relief. He could appreciate the country clergyman objecting to the presence of a Nonconformist minister in his churchyard. But he could not understand how such sentiments as were aroused by old English churchyards could ever be excited by cemeteries. Yet he had heard the author of that Amendment state, as a reason for it, that ancestral associations had not had time to gather round

cemeteries. He (Mr. H. H. Fowler) could understand that some representative of one of our great houses, whose family history had run side by side with our national history, would regard it as an extreme dishonour to be excluded from the last resting-place of his illustrious forefathers; and he could understand that to such a one the ancestral association would be a reality which would not attach to any modern cemetery. But for a man sprung from the middle class himself, the son of a Cumberland tradesman, who by his own marvellous ability had won for himself the second prize of his Profession—for him to utter that little sneer at the Nonconformists of the middle-class and of the working class, was as unworthy of a Christian Bishop as it was discreditable to an English Peer. To Nonconformists, the words "father," "mother," "husband," "wife," "parent," "child," were as dear as they were to the proudest Peer that ever sat at Westminster; and though Nonconformists might lack "ancestral association," they cherished in its deepest intensity that feeling of kinship, friendship, and affection which to-day, as 3,000 years ago, found its truest expression in the passionate utterance of the Jewish widow—"Thy people shall be my people, Where thou diest will I die, and there will I be buried." Not as Nonconformists, not as professing any creed, but on the ground of our common humanity, they claimed and clung to the common right of which nothing but an intolerant or vindictive legislation could deprive them—that of unbroken union in the last home, the family grave. He was very glad to hear that the Government intended to resist an Amendment which was at once purposeless and unjust. Then, as to Clause 7. He objected to that clause, because it would impose a burden upon every parish in England for the purpose of providing new cemeteries in order to perpetuate a grievance. The ratepayers would have to pay for those cemeteries, and the more straightforward way of effecting the same object would have been to provide separate cemeteries for the Dissenters. He thought the Government was quite right in excluding that clause. He would then refer to the 14th clause, upon which the right hon. Gentleman the Member for the University of Cambridge had addressed the House. It would be un-

generous in a Nonconformist to refuse to redress a grievance of the clergy. He would be glad to relieve the clergy by legislation. But it did not follow that Clause 14 was the best way of doing so. But he hoped that hon. Gentlemen who objected to the clause would not object to giving the clergy fair relief. He wished, however, to call attention to the way in which the clause was drawn. Attention had been directed to that question by Lord Cairns. As the clause stood, the House must pass the Schedule or reject the clause. But the Rubric referred to in that clause was a Rubric made in the worst period of English history—the Parliament of 1662—which placed in one category the unbaptized, the excommunicated, and suicides. Convocation had proposed a new Rubric—a Rubric which classified Baptists, Quakers, and little children with suicides and felons, which ranked Elizabeth Fry and Joseph John Gurney with the vilest criminal and the most profligate suicide. This measure, like all wise English measures which dealt with questions of controversy, was a compromise; and he accepted it as closing a long and bitter controversy. He deplored the perpetuation of that sad, strange, and unique peculiarity of English cemeteries—their double chapels, boundary walls, and imaginary lines, which seemed to proclaim that their minor theological controversies to be of far greater importance than the great verities on which they were all agreed. He hoped this would be one of the first steps towards wiping away that reproach; and that the downfall of this gallantly-defended stronghold of ecclesiastical exclusiveness would lead to one more advance to that truest charity, which, after all, was the foundation and bulwark of all religious liberty.

Mr. J. G. TALBOT congratulated the House on the calm and moderate manner in which the debate had been conducted on both sides of the House. He had listened to many debates on that question, but never had he experienced such satisfaction at the tone which had prevailed. He had, however, three objections to make to the Bill. First, he objected to the mode of its introduction; secondly, to what it did not do; and, thirdly, to what it actually did. First, then, he objected to a Bill of that magnitude coming on for discussion on the 12th of August. The Government might say

they could not help it; but he thought they were to blame, and that they ought to have managed to bring on such a question at an earlier period. There was a well recognized though unwritten law, that no measure of importance such as this should be brought before Parliament at so late a period. The second reading of the Government measure was moved at the winding-up of a languid Session, and he, therefore, emphatically protested against its being proceeded with. That the second reading would be carried by the majority which Her Majesty's Government had at their command he quite believed; and, that being so, the interest in the debate would centre in the discussion which must take place in Committee. The whole gist of the Bill lay in its details, and these they could only imperfectly discuss on the second reading. The passing of the present stage of the Bill was said to be demanded with a view to meet not only a sentimental but a real grievance; but he begged to remind the House that though Wales was stated to be the centre of the grievance, he never remembered the question being raised, either by Question or Motion, as a Welsh grievance. The Liberals of Wales were very strongly represented in the House; and he was greatly struck by the vehemence with which the other day they pressed upon the House and the Government a grievance under which they imagined they were labouring, and yet he found that this Burials grievance had not formally been brought under the attention of the House. An Irish grievance they were sure to hear of; indeed, they sometimes heard of a Scotch grievance; but who had heard of a Welsh grievance in connection with this Burials Question? He did not deny that a sentimental grievance existed; but the existence of a real practical Welsh grievance he did deny. There was a real, substantial grievance to be met—namely, the sanitary grievance, and he challenged any hon. Member to point out how it was to be met by the Bill. He wondered why this sanitary aspect of the question was so little regarded; in private affairs we thought much of sanitary matters, but anyone who dwelt upon the sanitary aspect of this question could gain little attention. Yet there were very grave sanitary scandals connected, belonging both to the ancient churchyards and to

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the condition of the cemeteries. Then, again, there was a second grievance—namely, that if the burial-ground of a parish became full, there was actually no existing power to compel anyone to provide another. There was no provision in the Bill to meet such a state of things, and he did not think it should be left to the charitable feelings of the community to do what was the duty of the community. But in attempting to remove one grievance the Government were about to inflict another. The hon. Member for Brighton (Mr. Marriott) had spoken with great candour; but he would beg to assure him that the ground on which the thinking portion of the clergy were opposed to the Bill was not because, as he seemed to suppose, it would interfere with their privileges so much as with what they deemed to be their duties and obligations. They thought they were charged with the conduct of the churchyards, and that they were appointed guardians of the church, and that, if the present Bill became law, they could not exercise in that capacity due control; for who, he would ask, was to see that nothing offensive was done in the churchyards if the Bill were passed? [Mr. OSBORNE MORGAN: The incumbent and the churchwarden.] Then an invidious duty would, he contended, be imposed on both the incumbent and the churchwarden; and he was justified, he thought, in saying that no words were too strong to describe the alarm which the Bill was calculated to create in the minds of the clergy. The hon. Member for Brighton said that if the Bill became law, Disestablishment would be put off further than ever, and that the Church of England would be strengthened in the affections of the people. Those remarks were, however, received with silence on the Liberal Benches. There was not a single cheer; and he could not help feeling that the admirable sentiments expressed by the hon. Gentleman were, so far as the opposite side of the House was concerned, very much confined to himself. As to the views of the members of the Liberation Society, as a Representative of which one hon. Gentleman (Mr. Woodall) had spoken, there was no need to enlarge upon them. Their simple aim was to sever the time-honoured connection between Church and State in this country. [*Cheers.*] That cheer proved

that he was not wrong in thinking that the Bill was supported, not only by men like the hon. Member for Brighton, but by others who entertained entirely different views, and that it was calculated to create not unnatural alarm in the minds of the clergy. If, in his opinion, it was a measure which would remove any real grievance, or establish still further the Church in the affections of the people, he would do everything in his power to assist in passing it into law. But because he believed it would do nothing of the kind, while it would inflict a serious affront on a body of men than whom there were none more loyal or more zealous in maintaining order and good government in this country—he meant the clergy of the Church of England—he, with whatever reluctance, deemed it to be his duty to vote against the second reading.

MR. JOHN BRIGHT: I asked my right hon. Friend who was sitting near me whether the hon. Gentleman had said anything that he had noted down during the five minutes that I was absent from the House, and I was surprised when he told me that the hon. Gentleman had said that no cases of grievance had been brought before the House. I understand him to mean during this debate, and that no case of grievance had been brought before the House even with regard to Wales. I think he mentioned Wales especially; and now, at the conclusion of his speech, he has justified the vote he is about to give by saying that whilst the measure, if carried, would inflict very great injury and cause great alarm to the clergy of the Church of England, it would not have the effect of removing any real grievance from any other portion of the population; so that, from the beginning to the end of his speech, he was consistent in asserting that there really is no grievance and no occasion for any Bill on this question. Now, I should like to give him two or three facts with regard to Wales, and I will not argue upon them, because they speak for themselves. If the hon. Gentleman will pay attention to these figures, he will never again, I am quite sure, make the observations with which he concluded his speech. These figures are extracted from a statement made by my hon. Friend the Member for Merthyr (Mr. Richard), and no man in this House is better



acquainted with Wales than he is, and there is no person, I believe, in whom, on a subject of this nature, the Welsh people have greater confidence. He says—

“In Carnarvonshire the Calvinistic Methodists, Independents, and Baptists have 240 chapels—of these 35 have graveyards and 205 have none. In Anglesea, there are 147 chapels belonging to the same Bodies—25 have graveyards, and 122 have none. In Flintshire, the Calvinistic Methodists and Independents have 113 chapels—13 of these have graveyards and 100 none. In Merionethshire the three denominations have 173 chapels—of these 46 have graveyards and 127 have none. In Denbighshire the Calvinistic Methodists and Independents have 133 chapels—of these 27 have graveyards and 106 have none. In Montgomeryshire the same two denominations have 155 chapels—of these 27 have graveyards, and 128 have none. In Cardiganshire the Methodists and Independents have 150 chapels—of these 48 have graveyards and 102 have none. In Carmarthenshire the three denominations have 225 chapels—of these 149 have graveyards and 76 have none. In Glamorganshire the Calvinistic Methodists and Independents have 332 chapels—of these 162 have graveyards and 170 have none.”—[3 *Hansard*, ccxiii. 1396.]

The total result is that, out of 1,668 chapels, only 532 have graveyards, and 1,136 have none. And my hon. Friend has since stated an additional fact—namely, “The Wesleyan Methodists (as distinguished from Calvinistic Methodists) have in North Wales 210 Welsh chapels; of these three have graveyards and 207 have none. In South Wales they have 101; of these 18 have graveyards and 83 none.” Therefore, in 1,426 out of 1,979 cases no burial grounds are attached to Dissenting chapels in Wales. I need not tell the House that, exclusive of Scotland, there is no portion of this Southern part of the Island in which the Established Church has done so little for the people as in Wales; and whenever you travel in Wales you find these chapels, and if you are there on the days when public worship takes place, especially, of course, on the Sundays, you will find that a much larger portion of the population of the country through which you pass is attending places of worship than is the case, I believe, in any part of England. I do not ask the hon. Gentleman here publicly to make an apology for the extreme ignorance which he has exhibited on this question. [“Oh!”] I am not, I think, saying anything that is offensive when I say that if he had known of these facts he would have been candid enough to admit that, at least as far as Wales is con-

cerned, there is a grievance which it is the duty of Parliament to meet.

MR. J. G. TALBOT: I beg to explain what I said was that I never heard any such grievance mentioned in this House with regard to Wales.

MR. JOHN BRIGHT: That is even a more astonishing statement, because we have had it stated to-night, and even from that side of the House, that for 25 years at least this question, of what we call now the Burials Bill, has been brought almost constantly before the House. Having stated these facts, I do not think it necessary to press upon the House that opinion further than to say that there is a grievance, and that the Government, at least, are not to be blamed in endeavouring to meet it. In fact, the Government, of which the hon. Gentleman was a Member, undertook to meet it in their fashion. They brought in a Bill, and nobody could tell exactly whether it meant something to do with sewage, and matters of that kind, or whether it had anything to do with a great national grievance. But what we know is this. When their own Friends in the other House of Parliament altered the Bill, and put into it an Amendment which met at least one great grievance—and what we think the greatest—the hon. Gentleman and his Friends on that Bench had not the courage to bring it down to this House, and ask the House to support them in the Amendment which had been put in in the other House. If they had done that, we should have given them a most friendly support; and the matter we are now discussing would have passed into history. The whole grievance would have been removed; and, no doubt, an element more would have been withdrawn from ecclesiastical and religious life in England—an element, I mean, of discord and unpleasantness which is very strong in connection with the question we are now discussing. However, there is one thing on which I agree with the hon. Gentleman. In his opening sentences he expressed his satisfaction at the general tone of the debate. I think the debate has been very satisfactory. I have always noticed that hon. Gentlemen opposite when they feel that their case is pretty nearly at an end, that the great question they have been fighting over for a long time is given up, and that they are obliged to come face to face

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with the terrors which have caused them so much alarm, pluck up their courage, and they really go to the perdition they have feared in a very happy state of mind. I appeal to every man who heard the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope). There was a positive vein of humour running the whole of his speech. He said some things that from the lips of some other men would have been unpleasant of Dissenters, and of some of the leading and authoritative characters in the ranks of Dissenters; but, still, whatever he said he said with a humour, somewhat grotesque it must be admitted, but which disarmed the offensive observations of their sting; and I could not help thinking all the time that, considering the tremendous issues that we used to hear were concerned in the question, there was not a particle of anything tragic in the speech from beginning to end, but that it seemed rather a pleasant comedy that he was performing on the floor of the House. I observed, too, that his argument in this failing cause appeared to be even more feeble than usual. He, and several more speakers on that side, have argued that if a Dissenting minister once gets into the churchyard he will get into the church. I really think that is about the last hobgoblin we should hear of. It would not be so bad if he did get into the church. You would not find that dreadful if it had once taken place. You know that in some countries of Europe it is quite a common thing for a Roman Catholic congregation to worship at one period of the day in the same building in which a Protestant congregation has worshipped at another period of the day. But in those countries religion does not perish, and the two congregations do not fight; and I am not sure that they are not on much better terms than Protestants and Catholics are in the United Kingdom. But another hon. Gentleman said it would be very awkward in case the weather was bad and there was a Dissenting funeral in the churchyard. I suppose he imagined the rain, and hail, and snow coming down and the Dissenting minister and mourners suffering from the inclement state of the weather; and, I suspect, he had a fear that though these men were Dissenters, and though he was a Churchman, still human nature and charity would over-

come ecclesiastical differences, and it would be impossible not to invite the Dissenters into the church. I am quite sure that there are many clergymen of the Church of England who would be willing to do that now, and who would even deem it a happiness to have the opportunity of doing it; and, more than that, I have no doubt whatever that a single transaction of that kind would sweeten the social life of the parish where it occurred. Therefore, I hope hon. Gentlemen will not be afraid of the terrible destruction which is to come if this Bill should pass. There will be no more destruction than there has been after many other things that have been done in the face of your adverse votes. The right hon. Gentleman who treated us to a little dissertation upon Calvin and his opinions, and upon Universalism, whatsoever that is, said—"You may have the doctrines of Calvin uttered"—the bitter doctrines of Calvin, as someone calls them—and the doctrines of the Universalists, and then, harder beyond all others, you might even have some lady—some "woman," I think, was the term he used—attending a Dissenting funeral in the parish churchyard, and taking some part in what are called the Services on that occasion. I have been at a great many funerals, in which I have heard women, to some extent, exhorting or comforting those who are around the grave, some who have knelt and offered up prayer which was quite as impressive upon the minds of those assembled as if it had been delivered by a Dean or a Bishop, or an ordinary clergyman, or a Dissenting minister, or any man, or any dignitary in any Christian Church in the world. And, therefore, if this should happen, I do not think it would upset the Church, or that Christianity itself would feel that a perilous wound had been inflicted upon it. So that the more you examine these difficulties and dangers which present themselves to the minds of Members for the University of Oxford, the less one is impressed by them. I recollect once in this House referring to the University of Oxford. I spoke of it as being "a place of dead languages and undying prejudices." I am told by my hon. Friend the Member for Southwark (Mr. Thorold Rogers), an eminent man in the town of Oxford, much connected with the University, that there is great liberality in Oxford,

and that the illiberality which we witness in this House is shown by people who do not live in Oxford, but who have been partly educated there, and who do not appear to have carried on their education much since they left it. The right hon. Gentleman the Member for the University spoke about the crowds who would come to see a Dissenting minister perform the Burial Service in the parish churchyard. But it is not at all uncommon in England, especially in rural parishes, to see Dissenting ministers engaged in the solemn office which belongs to them on the occasion of funerals; and I do not believe there will be that kind of excitement caused, and this crowd gathered there, from which the right hon. Gentleman seemed to foresee such unpleasant consequences. In fact, the more you handle and try to get hold of the terror which has so much effect on the minds of hon. Gentlemen opposite, the more you find that it is nothing but mist or fog. There is nothing solid in it. It vanishes as you approach it; and you will find now, as you found in time past, that all the eloquent and passionate speeches which you make now, as you made then, are just so much passion and language absolutely thrown away. I am surprised that hon. Members opposite take the course to-night which they do after the course which has been taken in "another place." We all know that in the other House of Parliament Peers sit without dependence on what we understand as our constituencies who send us here. They are there without any pressure, or I suppose not much, from the clergy—or it is not very effectual—and influenced by no portion of the population. They have as great an interest in the Established Church as you have. I suppose it would be very difficult to pick out half-a-dozen men in the House of Peers who do not belong to it, except, perhaps, some members of the Catholic Church, and they are not against the Establishment. Therefore, if there be these dreadful influences in the background or in the foreground, the Peers have not been able to discover them; and, surely, when you know—I think my right hon. and learned Friend who introduced the Bill to-night said so—that both Archbishops and a majority of the Bishops voted for this Bill, you are not at liberty to say that Dissenters, such as I am, and such as many hon.

Members on this side of the House are, wish to destroy the Establishment, when they are only following in the wake of the Archbishops and Bishops in the other House. Another statement which has been made, and made with considerable assurance, to my mind has no foundation in fact. It has been said that the Dissenters pay nothing for the burial-ground since the church rates were abolished. ["Hear, hear!"] I see that is what hon. Gentlemen opposite believe. It is perfectly well known to everybody acquainted with the case that church rates were not applicable to burial-grounds, but only by law to the fabric of the church. [Sir R. ASSHETON Cross: No.] Do you deny that? I think anybody who was ever concerned in a great law suit in the Ecclesiastical Court—which is about the worse thing that can happen to a man—would find out that church rates only applied to the fabric of the church. With regard to the churchyards at present, I will be bound to say that in this country there are thousands of Dissenters who subscribe to churchyards. This a great argument with the right hon. Member for the University of Oxford (Sir John R. Mowbray). Now, I will undertake to say, on the chance of being put right, that I have subscribed more to church burying grounds within the last 15 years than he has. And when this Bill is passed, does not everybody know that when a voluntary contribution is made in any town or parish for the purpose of enlarging or maintaining or beautifying the churchyard and burial place, that the Nonconformists will be as ready to subscribe as Churchmen? You know perfectly well that from the necessity of the position of Nonconformists, they have been brought up far more than Church people have in the habit of giving. You know that the subscriptions which are given Sunday after Sunday in the Nonconformist places of worship of this country, comprising the rank and position and wealth of the Nonconformists, are not behind those which are given by Churchmen in connection with their religious Services. And there is no doubt whatever that, so far as the church rate question goes, churches are better maintained now, and more money is spent on them twice over since the church rates were abolished, than in the times when they

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were in existence. With regard to that, I was going to follow a question mentioned by my hon. Friend the Member for Brighton (Mr. Marriott), that this Bill will not move in the direction of Disestablishment so far as to alienate any members of the Church. That question is one which, in the future, will not depend on comparatively trifling matters of this kind. The public of this country will, in due time, solve it. Perhaps they will determine for generations to maintain the Church as it is; perhaps not. But, whether I was a Churchman or a Dissenter, I should be quite willing to leave that question to the determination of my countrymen. When Churchmen used to come, not to my house—for they never visited me on that account—but when they visited my father's house to take a handful of silver spoons, perhaps for payment of church rates, I do not suppose that would bring me to a state of mind to allure me to the Established Church. Well, now, with regard to this question, just examine it in the same way. What are the sentiments of the people, men and women, and all persons, with regard to the spot of ground where their nearest relatives lie buried? What does a man think of the little plot where his wife lies; the widow of the plot where her husband lies; the parents where some innocent children that have been taken from them lie; or the children, when they remember the place where their parents are buried? Is there not an attachment to that place—a sympathy with it—something that one can never express in words—beyond what you will find in the minds of all of us with regard to any other plot of ground on the face of the earth? I knew a poor man—a very old man, now—I think he is 90. I think he boasts he is the oldest man in the town in which I live, and he is as proud of his age as it is possible to be. I have heard that he, after the loss of his wife, perhaps 20 years ago, walked two miles every Sunday for years to the cemetery where his wife was buried. There he went to think of her he had lost, to shed a tear, probably, over her grave, to offer a prayer in the hope that the separation was only temporary, and that as he grew older the time during which they would be separated would be every day shortened. Well, if this grave was in one of your churchyards, and if he were

a Dissenter, his affection for that place of burial would be just as great as if it had been in a cemetery or in a Dissenting chapel-yard, and you would find that he would visit it, his affections would linger round it; he would be, no doubt, lured, time after time, to visit the burial-place, and enter your church; and if he did not become a member of your Church, and one of your constant congregation, it would be absolutely impossible that he could be hostile to it. Now, I put that before you as an argument. Instead of being a measure of Disestablishment, it will lessen what feeling of hostility prevails; and in cases such as I have described—and there will be thousands of them every year—there will be set up a tie between persons who have hitherto been strangers to the Established Church, which would bring them nearer to it, and, it may be, unite many of them to your constant congregation. I submit to hon. Gentlemen opposite that is one reason why they should not be alarmed at the passing of this Bill. I believe it can have no evil effect whatsoever upon anything that is good in connection with the Established Church. I shall not go into the question of clauses, because we shall have an opportunity of discussing them very soon, no doubt, when they will receive the attention due to them. There are clauses in it which I could wish were out. I do not think, myself, there is much objection to the use of the word “Christian,” because, no doubt, when legislating upon matters of this kind, we are bound, sometimes, to pay respect to the vast bulk of the opinion of the country, and, as it were, not to insist upon an extreme principle which is scarcely necessary in the case, and which certainly would not express an objection that would meet the views of the great body of the people. With regard to the 14th clause, on which the hon. Member for Wolverhampton (Mr. H. H. Fowler) has spoken so admirably to-night, everybody in this House must know that I cannot feel it a complimentary clause which classes persons in my circumstances with persons who are not baptized, and who are put in the same sentence with—I will not speak of suicides, for they are greatly to be commiserated; but with those who have committed very horrible crimes. I do not think that is a neces-

sary thing; but, still, for all that, so anxious am I that this irritating question should be settled; so much do I appreciate the great liberality and the great wisdom of the Archbishop of Canterbury with regard to this matter; and so much also am I anxious to give any relief that is possible to those clergymen who are dissatisfied with the existing state of the Burial Law as regards their office, that I think I may be induced, probably, to consent to the clause as it stands, although I can see no good object in professing to build our legislation upon the views not of Convocation exactly, but, if the right hon. Member for the University is correct, upon some partial views of Convocation. But I do not want to quarrel with the Bill, and I do not want the House to quarrel with the Bill; and I think it is no more to the interest of the Party on this side than of the Party on that side to quarrel with the Bill. We have had this question discussed for 20 years, and for the last six or eight years or more discussed most carefully, and sometimes with a great deal of passion in this House. I think the time has come when we ought to close the door upon it, to settle it once and for ever, and to offer another and a convincing proof to hon. Gentlemen opposite, who are so afraid of us, that all the steps we have taken yet, and the steps we are taking now, not only do not injure the Christian religion in this country, but are not in the least hostile to the true interests and the true strength of the Established Church. I have said all I have to say. In fact, it is a question on which I have spoken so often that it is not easy to say anything new or useful; but I have endeavoured to place the matter before the House just as it presents itself to my mind. I am not speaking as a Nonconformist, I am speaking as a Member of this House and as a Member of the Government; and I am anxious that the House should, if possible, get rid of their passion, of their errors, of their excitement, and of the extravagance which prevail on both sides of the House, and should take this measure, and adopt it, and let it be one of the good and wise Acts of the Session of 1880.

SIR R. ASSHETON CROSS said, he wished to congratulate the House on the manner in which this question had been discussed on the present occasion

upon both sides. He willingly bore testimony to the spirit of the speeches which had fallen from several hon. Members who had addressed the House for the first time. He could assure the House that nothing would fall from him which would disturb the spirit in which the measure had been discussed. He had had many opportunities, on various occasions, of making speeches in the course of this controversy; but after the action which had taken place in the House of Lords, one could not help feeling that the time for practical argument had gone by, although he still claimed the right of protest was one which ought to be reserved to every Member of the House, especially to one who had taken such an interest in the matter as himself throughout the whole contest. He would remark, with regard to the right hon. Gentleman who had just sat down, that although his speech had been delivered with great temper and moderation, everyone knew that he approached the question from a totally different point of view from that occupied by hon. Members on that side of the House. The right hon. Gentleman would be glad to see the Church of England disestablished, and he had no fear upon that point. He was glad that members of the Liberation Society in that House had expounded their views, as they had done that evening, because he thought the House would think they had given justification to everything which had fallen from the clergy of the Church of England in that respect; for it would be seen that the present Bill was really a step in the right direction of action against the Church of England itself. He was not going into the whole controversy of church rates; but he was bound to say he thought the right hon. Gentleman was wrong when he stated to the House that the church rates could not be applied to the repair and keeping in order of the churchyards or their walls. He believed the church rates were largely applicable to this purpose, and certainly to the maintenance of the walls of the churchyard. It was curious that in one of the early Petitions presented to the House on this subject, it was distinctly upon the ground that as the Dissenters were required to contribute to the support of church rates, they ought to be allowed to bury their dead in the churchyards of the Church

*Mr. John Bright*

of England. He wanted to impress this on those who differed from members of the Church of England, that he hoped the time was coming when, whether this Bill passed or did not pass, that strife between religious Bodies might, to a great extent, cease, and that they might join in seeing the great danger that all religious Bodies were in, and that they would unite, as far as possible, against what he believed to be the great danger they laboured under at the present moment—namely, the growth of infidelity, unbelief, vice, and crime. He hoped they might all put away sectarian differences, and carry out the object of all true religion throughout the country. The right hon. and learned Gentleman who introduced this Bill (Mr. Osborne Morgan) said there existed a civil right, but that it had got entangled with the ecclesiastical law, as to burial in the churchyard of a parish. He would put it to the House, that if the right of the parishioner existed to be buried in the churchyard with a truly religious Service, that such right was not touched. The parishioner would continue to have the right to be buried by the clergyman of the parish with the Christian Service. The right hon. and learned Gentleman who introduced this Bill had felt the ground upon which they based it to be a weak one, and one upon which they could not stand. They had said that it was the right of every parishioner to be buried in the churchyard of his parish, with any Service that his friends might choose; but when they came to define what Services were to be read, they said those Services were to be of a Christian character. It might be expedient to put it in that way; but, as he had said before, it absolutely cut the ground from under their feet, and he felt he had a right to say they had placed the Bill upon a basis on which it was impossible that it could stand, because, as they knew, it would not receive the support of the public. They were obliged to admit that there was a sentiment which they could not overcome, and they dare not say that all manner of Services were to be read in the churchyards of the Church of England. The people who opposed this Bill were supposed to be narrow-minded and bigoted; but, he asked, what was the feeling of the Nonconformists? If they invited the Services of other denomina-

tions in these burying-grounds, would the Wesleyan or the Baptist ask Roman Catholic Priests, for instance, to conduct the Service? The only open-heartedness which he knew of with regard to this matter was that of the denomination to which the right hon. Gentleman the Chancellor of the Duchy of Lancaster belonged. That denomination had passed a resolution that any denomination might conduct their Services in the churchyards belonging to Quakers, and that, certainly, was more open-hearted than the conduct of any other body in this respect. But there was attached to it this peculiar restriction—namely, that the dead of other denominations were to be buried according to the rules which had been laid down by the Quakers for their own burials—that was to say, in silence. At all events, it was established that the Service should be conducted as if the person buried had been a Quaker. Now, that was precisely the equivalent of what the late Government had proposed with reference to the Church of England churchyards. They said—"If you are content that your burial should take place there, it must be with a Service of the Church of England." One objection had been taken by the right hon. Gentleman and others, upon which he was bound to say a few words. The late Government had been accused of proposing, in the event of the relatives not wishing the Church Service to be read, that there should be silent burial, and that that would be very like the burial of a dog; but that they had been guilty of any such conduct in introducing the Bill of 1877 he utterly denied. What happened in Scotland over and over again, what had been alluded to in the course of the debate, and what he should like to see in the Church of England also, was that the Service should be conducted in the church or chapel of the denomination to which the deceased belonged, or in the private house, before the grave was reached. But the grievance as now put forward was a new grievance. The creation of cemeteries had taken away a great part of that which formerly existed, and the effect was that the Dissenters did not in former times feel the grievance of which they now complained. It was one of the grievances brought before the House in the first Session after the Reform Bill;

but if hon. Members would take the trouble to look at the Petitions presented on the question of burials, they would find that this question did not enter into the minds of Dissenters at all for a period of 10 years. It was Sir Morton Peto who, practically, brought it before the notice of Parliament, and it was from his speech that the agitation arose. The right hon. Gentleman who had just sat down had quoted, with triumph, the very large number of chapels in Wales to which there were no burial-grounds attached, in order to show the magnitude of the grievance. Now, he was willing to admit these facts, but for the purpose of drawing from them a totally different conclusion. No doubt, in many parts of Wales, where these chapels had been built, the value of land was very small; and no doubt, also, the expense of building a chapel, as compared with the cost of the land, was very great; and, therefore, it would be seen that to give a pound more or less for the ground would not be felt as a hardship at all. That, he said, was one of the strongest facts in proof that the Dissenters did not feel at all the grievance at the time those chapels were built. The Bill had been drawn in a manner which showed that the object in view was to take possession of the churchyards, which had hitherto been under the exclusive care of the Church of England. But it made no provision for the future. He would have thought that in a Bill of this kind, which was intended to settle the question, the starting-point would have been this—that it would have been declared to be the duty of somebody to provide burial-grounds for persons who died and had to be buried. There was no law by which, at the present time, persons could be compelled to form burial-grounds for parishes. He would take the case of Northampton, where all the burial-grounds were closed by order of the Secretary of State, many years ago, and where, consequently, there had not since been any place in which the inhabitants had a right to be buried. There was the cemetery, where interments could be purchased; but there was no place where they might go as a matter of right. There was no doubt that there were a number of cases in which the churchyards ought, practically, to be closed, and would shortly have to be closed,

which would show that the grievance complained of was diminishing every year. The right hon. Gentleman said that it would be many years before they were closed. Notwithstanding which, he would have supposed the Bill would have begun by imposing upon some sanitary or other body the duty of providing burial-grounds where they were wanted. Had the matter been approached in that spirit, and had the Bill gone on to say there were places which could no longer be used as places of burial, and that it was desirable that the Dissenters' Services should be carried on in the churchyards of the Church of England, it would have been an entirely different thing. But, by introducing the Bill in its present form, he thought that the Government had placed upon the clergy the maximum amount of irritation, the maximum amount of grievance, while, at the same time, they gave the minimum of advantage. He would be contented if the law in England were the same as in Scotland, where all the burial-grounds belonged to the heritors, who were bound to keep them in order. There was this advantage in Scotland—that the burial-grounds were, in great part, a distance from the parish church, and he wished the churchyards of the Church of England were also not close to the churches on sanitary grounds. But if, as in Scotland, they were at a distance from the parish church, these fears of the clergy would never have been excited, and the present question would never have been raised; because it would have been totally against the feeling of the parishioners, the clergy, and sincere people throughout the country, to have two sets of Services going on at the same time; and that was the fear of the clergy and of the people. It was totally against all the spirit of legislation in this country, that the feeling of the clergy should not, in such a matter, be considered; and, therefore, he said that the Bill was framed on wrong principles, and he did not think it would lead to that peace and happiness which the right hon. Gentleman anticipated. The right hon. Gentleman had spoken, as he always did, with great depth of feeling and sympathy; and no one listened to him with more pleasure than he did when referring to those who claimed to be laid by the side of a father, mother, or children in the same churchyard. No doubt, the

natural feeling was to be buried in the same graveyard with their deceased relatives; but that feeling did not prevail when the churchyards were closed. He made a solemn protest against the Bill, because he felt it to be unjust, because he felt it would produce an amount of irritation without any sufficient balance on the other side, and because he did not think it tended to strengthen the Church of England, or weaken the attacks of those who were opposed to it.

MR. NEWDEGATE: I am a very humble Member of this House, and I belong to a denomination which, it appears, is to receive a lesson in humility. I have listened with astonishment to the tone of the speech just delivered by the right hon. Member for South-West Lancashire (Sir R. Assheton Cross). In that speech he treated the principle of this Bill as admitted, because the Bill has come down from the House of Lords. I have rejoiced that the House of Lords has vindicated its independence on a recent occasion by rejecting a Bill sent up to it by this House; but I am not prepared to admit that the decisions of the House of Lords ought, on all occasions, to rule this House. As a layman of the Church of England, I hold that the principle of this Bill is grossly unjust to the denomination to which I belong, and I know that that is the feeling of the portion of the laity of the Church of England which I represent, and is also the opinion of 15,000 of the clergy of that Church. It appears that the right hon. Gentleman the Member for South-West Lancashire thinks that when he and his former Colleagues are not in Office all the measures proposed by Her Majesty's Ministers ought to pass—that the great body of the Church of England are to consider that the penalty for not having succeeded in retaining the right hon. Gentleman in Office. I hold, further, that the right hon. Gentleman, and the other Members who have spoken in the same sense as he has done from the Front Bench on the left of the Speaker's Chair, are forgetting the duties of an Opposition. The performance of the duties of the Opposition are essential to the proper conduct of Parliamentary Business. Without a legitimate Opposition the Parliamentary system of Government cannot work; for the existence and action of a legitimate Opposition are essential to the

due expression of public opinion in this House. I have said that I consider the principle of this Bill most unjust. If adopted, it will place the denomination to which I belong in a position of inferiority to all other denominations. The churchyards, and the fabrics of the Church, are held in trust for us, the laity, by the clergy on precisely the same title—the proof of the title to the possession of the churchyards as well as the fabrics of the Church is identical. I take the case of the property held by the Nonconformists in their chapels and graveyards by way of illustration. That title is based on the judicial decision of the House of Lords in the case of Lady Hewley's Charity. In the reign of Charles II., Lady Hewley left certain property in Yorkshire in trust to support "Godly preachers of Christ's Holy Gospel." Unitarians were not heard of in that day, but were, in 1828, found in possession of this property. After protracted litigation, the House of Lords, as the final Court of Appeal, judicially decided that the Unitarian ministers, who denied the incarnation of our Lord and Saviour Jesus Christ, were not the "Godly preachers" of His Gospel, intended by the donor of this property, but that it should belong to Trinitarian Nonconformists, and placed the claimants, the Presbyterians, in possession. From this, it is evident that proof of the uniformity of doctrines and services is essential to the title—to the possession of property for religious purposes. This decision was given in 1828, and in 1844 the Dissenters' Chapels Act, founded upon that decision, passed both Houses; and, by virtue of that Act, all the Nonconformist property in this country, including that of the Roman Catholics, is held, and so far as regards the effect of this Bill, if passed, will remain secured. Let the House remember that the proof of continuous identity in doctrines and services is thus shown to be essential to the validity of the title to all religious and denominational property. By the principle of this Bill, the introduction of the various and diverse Services of different denominations into the churchyards of the denomination to which I belong will fundamentally invalidate our title to that property, and, in this respect, place the Church of England, as a denomination, in a position of inferiority, as compared with every other denomination in this



country. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. Bright) knows how to adapt the tone of his speeches to his purpose. He appealed, in support of the principle of this Bill, to the House on the ground of Christian charity, and the avoidance of strife between the Church of England and the various Nonconformist bodies of this country, among whom are the Roman Catholics. The right hon. Gentleman spoke with so much confidence, that I think he must have received a commission from His Holiness the Pope. Does the right hon. Gentleman feel perfectly confident that Cardinal Manning entertains, and is actuated by, the exaggerated notions of toleration which the right hon. Gentleman expressed? Does the right hon. Gentleman believe that this extreme tolerance is consistent with the profession of a Cardinal? Can the House suppose that the principle of this Bill, which is that of incipient and disguised confiscation, will stop at the point indicated—at the point he seemed to intimate? Did not the right hon. Gentleman himself allude to foreign countries in which the fabrics devoted to religious purposes are occupied by various denominations and their Services in turn; fabrics in which Protestant and Roman Catholic, and I know not what other Services are performed, turn about? Was it not clear to the House that the right hon. Gentleman contemplates the extension of the principle of this Bill, which is limited to the churchyards, hereafter to the fabrics of the Church of England. And if this be done, am I not right in assuming that the title of the denomination to which I belong—the Church of England—to all her property, for the purposes of religious worship, will be gone, for the legitimate and necessary proof of it will be destroyed? I know not what the Church of England has done that she should be subjected to such injustice. If no one else votes against the second reading of this Bill I will do so; because, if enacted, it will inflict a manifest inequality and hardship upon a body that has always proved itself loyal. I remember the debates on the Bills which proposed the abolition of church rates. I remember the promises of perpetual religious peace as the sure consequence of the abolition of church rates, in which the right hon. Gentleman and the other advocates of that

measure indulged, and the sequel to that measure is the Bill before the House. I remember the debates on church rates, in which peace and undisturbed possession were promised to the Church, if Nonconformists were relieved from the payment of church rates. How could the House place any confidence in these promises of future peace? The right hon. Gentleman has assured the House that there will be an end of strife between the various denominations; but can he answer for the Roman Catholic clergy? The House has had ample and recent evidence that they are not an eminently peaceful body. I look upon this Bill simply as a measure of incipient confiscation. The right hon. Gentleman has virtually warned the House to look forward to the day when the same principle may be applied also to the fabrics—the fabrics of the Church of England alone—as the churchyards will now, if this Bill pass, hereafter be rendered available for all denominations; while the chapels and the property of the Roman Catholics, much of which is illegal, while the property and the chapels of all other Nonconformist bodies will be held sacred to their exclusive use. That, assuredly, will be the case, in spite of the fact that the large and increasing property held by the Monastic Orders in England is distinctly illegal, but would remain undisturbed. I consider the principle of this measure grossly unjust, and that this injustice is all the greater, because, if this Bill pass, it will be inflicted upon the most loyal, the most tolerant, and the most peaceful of Her Majesty's subjects.

Question put.

The House *divided*:—Ayes 258; Noes 79: Majority 179.

#### AYES.

Acland, Sir T. D.	Barclay, J. W.
Adam, rt. hon. W. P.	Baring, Viscount
Agar - Robertes, hon.	Barran, J.
T. C.	Bass, A.
Agnew, W.	Bass, H.
Alexander, Colonel	Beaumont, W. B.
Allen, H. G.	Biddulph, M.
Allen, W. S.	Biggar, J. G.
Allman, R. L.	Blennerhassett, R. P.
Anderson, G.	Bolton, J. C.
Armitage, B.	Borlase, W. C.
Arnold, A.	Bradlaugh, C.
Ashley, hon. E. M.	Brand, H. R.
Balfour, Sir G.	Brassey, T.
Balfour, J. S.	Brett, E. B.

*Mr. Newdegate*



Lewisham, Viscount	Price, Captain G. E.
Lindsay, Col. R. L.	Ross, A. H.
Loder, R.	Round, J.
Long, W. H.	Russell, Sir C.
Lopes, Sir M.	Schreiber, C.
McGarel-Hogg, Sir J.	Sclater-Booth, rt. hn. G.
Makins, Colonel	Scott, M. D.
Manners, rt. hn. Lord J.	Stanhope, hon. E.
Moss, R.	Thornhill, T.
Mowbray, rt. hon. Sir	Tottenham, A. L.
J. R.	Walpole, rt. hon. S.
Murray, C. J.	Walrond, Col. W. H.
Musgrave, Sir O. R.	Warton, C. N.
Newdegate, C. N.	Wilmot, Sir J. E.
Nicholson, W. N.	Winn, R.
Northcote, rt. hon. Sir	
S. H.	TELLERS.
Onslow, D.	Hope, rt. hn. A. J. B. B.
Peck, Sir H.	Talbot, J. G.
Percy, Earl	

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for Monday next.

SIR STAFFORD NORTHCOTE asked if the Government could state when the Committee on the Bill would take place?

MR. OSBORNE MORGAN said, that he could not fix the date accurately at present, but that it would not be before Friday the 20th instant.

#### POST OFFICE MONEY ORDERS BILL.

(*Mr. Fawcett, Lord Frederick Cavendish.*)

[BILL 172.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Power for the Postmaster General to issue Orders in form in Schedule for the purpose of the transmission of small sums).

SIR JOHN LUBBOCK said, he wished to protest against the sweeping legislation of Regulations as proposed by the Bill. He thought the principle most unconstitutional and objectionable; but believed it would be useless to divide, and would, therefore, content himself with expressing his protest.

MR. BARING said, that he was sorry to hear that the hon. Baronet the Member for the University of London had withdrawn his Amendment. He thought it was a most dangerous thing to sanction these Post Office regulations.

MR. FAWCETT moved, in page 2, line 6, after "One Shilling . . . One Halfpenny," insert "One Shilling and Six Pence . . . One Halfpenny." The right hon. Gentleman said, Mr. Birch, the Governor of the Bank of England,

had suggested to him that it would be convenient to have eighteen-penny Orders.

*Amendment agreed to.*

MR. FAWCETT moved, in page 2, line 18, after "is issued," to insert "by the Post Office."

*Amendment agreed to.*

MR. BARING said, that he had an Amendment to move, in page 2, line 17, to leave out "three months," and insert "one month." Some time ago, when the Bill was first brought in, he presented a Petition with respect to it, signed by most of the bankers in the City of London, asking that the Bill should be referred to a Select Committee. The Bill had not been so referred, but had constantly come before the House at an hour when it could not be properly discussed. He did not blame the right hon. Gentleman the Postmaster General, because he had taken the Bill whenever he could; and, as there was some good in the Bill, and he should not like to prevent its ultimately passing, he, therefore, had not objected to its being taken. His object in moving this Amendment was to restrain, as far as possible, the danger of Post Office Orders getting into wrong hands, and of their becoming what he believed was originally intended, not by the right hon. Gentleman, but by the Department—a sort of fractional currency. He thought that by his Amendment the chance of the Post Office Orders getting into wrong hands would be much reduced, and it would also tend to prevent them from becoming what there was so much objection to—namely, a fractional currency.

*Amendment proposed, in page 2, line 17, to leave out the words "three months," in order to insert the words "one month."—(Mr. Baring).*

Question proposed, "That the words 'three months' stand part of the Clause."

LORD JOHN MANNERS said, he hoped that the right hon. Gentleman in charge of the Bill would not accept the Amendment proposed by the hon. Member for South Essex, and that the Committee would agree to the Bill as it stood. He would himself have preferred that the limit of currency should have been fixed at 12 months; but he certainly

hoped that no further reduction would be made than the three months agreed to by the Postmaster General.

MR. B. N. FOWLER said, he quite agreed with the hon. Member for South Essex in the proposal which he had made. It seemed to him that these Orders should not be allowed to run over a longer period than one month. Any further extension of time would, in his opinion, be a great inconvenience to the commercial community, and also lead to great opportunities of fraud. Consequently, he differed from the view expressed by the noble Lord who had just sat down. He thought that to insert three months, instead of twelve, a very great improvement; but it would be much better that the period should be still further reduced to one month. He hoped his hon. Friend would divide the Committee on his Amendment.

MR. FAWCETT said, it was impossible to accept the Amendment of the hon. Member for South Essex. When he moved the second reading of the Bill, he stated he should be guided by the opinion which might be expressed by the House generally. The Prime Minister had expressed himself strongly in favour of three months. Opinions had also been expressed in favour of that term by the hon. Member for Liskeard (Mr. Courtney), the late Secretary to the Treasury, and the right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard), who said that the principle of the Bill would be destroyed if the period were reduced to one month. Under those circumstances, he regretted that he was obliged to oppose the Amendment.

MR. RYLANDS said, he was not at all surprised to find that the noble Lord agreed with the Postmaster General in the view he had expressed with regard to this Bill. He believed he was correct in saying that the measure would have been introduced by the late Government had they remained in Office, and it must not, therefore, be regarded from a Conservative or Liberal point of view. It was a proposal which had been put forward by the permanent officials of the Crown in the Post Office Department, and he was bound to add that he looked upon the measure with some amount of hesitation, because he found that it was the permanent officials who had in-

augurated this scheme of turning that Department into a great banking establishment. Of course, the permanent officials, in doing so, were making use of the facilities which the Crown possessed of going into business with advantages which were not equally possessed by private institutions. He asked, what would result from this? They were inaugurating a system which would increase the Post Office Department very much; which would increase the employment of the officers; which would increase the flow of promotion as well as the salaries in the Department, and such advantages as these the public servants of the Crown were always anxious to see continued. It appeared to him that this Note circulation, which was about to be introduced throughout the country, was of a most remarkable character. These Notes were to circulate for three months, without any check upon them that would prevent fraud or speculation; and if they came into the illegal possession of persons there would be no means of tracing them or fixing anyone with responsibility in connection with them. He wanted hon. Members to realize what it was intended to do. As he had said before, they were about to create a system of Postal Notes that would be peculiarly open to the practice of a fraud. He was not at all satisfied with the statement of his right hon. Friend with regard to the amount of speculation which took place in the Postal Service. He believed these Notes would be of such a character that they might very easily be detected in letters, and, at the same time, that it would be very easy for the Post Office servants to dispose of them, because there would be no check or responsibility whatever, on the part of the Post Office, with regard to them. If anyone sent a Post Office Order there was a considerable amount of security afforded by the present system; but the Notes in question would have to be sent in registered letters, if they were to be made safe; and it would be found that this necessary precaution of registration did away with any advantage which the proposal might otherwise have had. He must say if they were to have Postal Notes at all, they ought to be at a short date, in order to check the opportunities of fraudulent possession; and he believed that if they were at a short date the effect would be

that they would very soon come back to the Post Office for the purpose of being cashed through the medium of the banks. The measure made such a change in the commercial operations of the country, and opened up such opportunities for fraud, that he thought it should not be adopted without full consideration on the part of House and the country. Representations had been made to him in the commercial world that it was most undesirable that a measure of this character should be passed through the House at this late period of the Session without its having been fully considered. He should support the Amendment of the hon. Member for South Essex; but, at the same time, with every disposition to give assistance to the Postmaster General. He looked upon the Bill not exactly as a measure of the right hon. Gentleman, but as a Bill of the Department, and he was not prepared to hand over to them the large amount of additional responsibility sought for.

LORD FREDERICK CAVENDISH said, if the Bill was a Bill of the Post Office Department simply and solely, he did not consider that any reason for blaming the Department. When the character of the principals of the Department, and the signal services they had done the public, were considered, he did not think that hon. Members would look with extreme hostility upon the measure proposed. The Bill had originated mainly with an impartial Committee, specially appointed some years ago to consider the best means of facilitating the transmission of small sums of money. That Committee had not been composed of members of the Department, but contained among its members a Director of the Bank of England and the Manager of one of our large Joint Stock Banks. Therefore, he did not think there was anything in the measure which could be regarded with suspicion by the Committee. At the same time, he agreed that the House was not bound to accept the Bill upon any authority whatever. His hon. Friend the Member for Burnley (Mr. Rylands), as far as he could gather, thought that the Postal Notes would be very liable to fraud, and that it would be most dangerous to make use of these Orders; but he would remind the hon. Member that anyone who preferred to make use of the present Money Orders could do

so, as the present Bill did not do away with them. It simply supplied the deficiencies which existed in that system in a simple and convenient manner. He did not believe in the probability of danger arising from their circulation, and considered that they would be a most convenient form of circulating medium. He might say that a strong reason for fixing the period of their circulation at three months was that these Notes would be purchased by persons in considerable numbers, and it would be very inconvenient to those purchasing them to be obliged to use them within the short space of one month.

Mr. J. G. HUBBARD said, these Notes were simply checks given by the Post Office, payable to bearer, and were not in the nature of currency. He thought they might be considered as a great convenience, and that they were not open to the apprehensions expressed by the hon. Member for Burnley (Mr. Rylands).

SIR JOHN LUBBOCK said, that, as the Bill stood, it was impossible not to regard these Documents as currency. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had stated that the Bill was the result of a recommendation of a Committee on which sat one of the Directors of the Bank of England; but he would remind him that both the Governor and the Deputy Governor of the Bank of England, and many of the Directors, had joined in petitioning that House to allow the Bill to go to a Select Committee. The Government, however, had decided otherwise. He hoped that, if not at that Sitting, at all events, on Report, the Government would consider whether they could not adopt the Amendment of his hon. Friend the Member for South Essex. The Bill was intended to facilitate the transmission of small sums of money by post; and it was obvious that the Amendment did not, in any respect, interfere with that object. It had been stated that the Post Office authorities objected to the transmission of postage stamps through the Post Office; but these Notes would be, in his opinion, just as dangerous as stamps. He regretted the Government were not in a position to accept the Amendment on that occasion, but trusted that the question would be re-considered before Report.

*Mr. Rylands*

Question put.

The Committee divided:—Ayes 116; Noes 23: Majority 93.—(Div. List, No. 110.)

Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. J. G. HUBBARD said, that the duration of these Orders under this clause would be, practically, four months. He hoped the right hon. Gentleman the Postmaster General would consider whether he could not reduce the possible duration of the Orders to three months.

Clause, as amended, *agreed to*.

Clause 2 (Application of 11 and 12 Vict. c. 88, and laying of regulations before Parliament).

Mr. R. N. FOWLER said, he had given Notice to omit this clause. There were certain things that he objected to in the Post Office Regulations, and this clause adopted the Regulations; and, therefore, the only way for him to raise a protest against the Regulations was by moving to omit this clause. As the right hon. Gentleman had now made an Amendment which would somewhat meet his views, he did not propose to move the rejection of the clause. It was unfortunate that the Bill had come on for consideration so late at night; but it was better that it should be considered at that hour of the morning than that it should be longer delayed.

Clause *agreed to*.

Clauses 3 to 7, inclusive, *agreed to*.

SIR JOHN LUBBOCK said, that he begged to move the insertion of the clause of which he had given Notice in regard to the non-liability of bankers in respect of Money Orders. It was most convenient for the public that the present custom should be pursued of a banker taking these articles and presenting them for payment to the Post Office. The custom at present was that the banker should be at once credited with the amount of the Order; and the object of his Amendment was to prevent the bankers, who had received payment, incurring any liability, excepting, of course, to their customers, if it should be afterwards found that the Order was not genuine. He begged to move the following Clause:—

(Non-liability of bankers in respect of money orders.)

"A banker who has in good faith received payment on behalf of a customer of any money order issued under this Act, or of any document purporting to be such a money order, shall not incur any liability by reason of having received such payment."

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

Mr. FAWCETT said, that this was really more a question for the consideration of bankers than of the Post Office. He understood that Money Orders were now presented to the Post Office by the bankers, and that credit was given them for the amount; but if the Orders on examination were not right, then the bankers were charged by the Post Office with the amount of the Orders thus overpaid. What it was now sought to do was to get rid of this liability. If the bankers said that they would not have any liability for cashing any number of Orders, then, of course, the Post Office must protect itself, and would say—"Before we cash your Orders we must examine them." This clause would put the Post Office in this position—that it would not be able to pay the bankers cash for the Orders before it had had time to examine them. He very much doubted whether that would be a course acceptable to the bankers; and the opinion of many eminent authorities whom he had consulted was that it would be found so extremely inconvenient to the bankers that they would contract themselves out of the operation of the clause by giving the Post Office an indemnity, and practically saying—"If you will cash our Orders without examination we will repay you, if the Orders are afterwards disallowed by you." If the bankers, however, considered that this clause was necessary, and supported the views of the hon. Baronet the Member for the University of London, he should not oppose the insertion of the clause.

Mr. BARING said, that it did not seem to him so much a question between the bankers and the Post Office as between the bankers and their clients, the public. He had known instances where Post Office Orders had been credited as paid, and 10 days afterwards had been returned by the Post Office to the

that they would very soon come back to the Post Office for the purpose of being cashed through the medium of the banks. The measure made such a change in the commercial operations of the country, and opened up such opportunities for fraud, that he thought it should not be adopted without full consideration on the part of House and the country. Representations had been made to him in the commercial world that it was most undesirable that a measure of this character should be passed through the House at this late period of the Session without its having been fully considered. He should support the Amendment of the hon. Member for South Essex; but, at the same time, with every disposition to give assistance to the Postmaster General. He looked upon the Bill not exactly as a measure of the right hon. Gentleman, but as a Bill of the Department, and he was not prepared to hand over to them the large amount of additional responsibility sought for.

**LORD FREDERICK CAVENDISH** said, if the Bill was a Bill of the Post Office Department simply and solely, he did not consider that any reason for blaming the Department. When the character of the principals of the Department, and the signal services they had done the public, were considered, he did not think that hon. Members would look with extreme hostility upon the measure proposed. The Bill had originated mainly with an impartial Committee, specially appointed some years ago to consider the best means of facilitating the transmission of small sums of money. That Committee had not been composed of members of the Department, but contained among its members a Director of the Bank of England and the Manager of one of our large Joint Stock Banks. Therefore, he did not think there was anything in the measure which could be regarded with suspicion by the Committee. At the same time, he agreed that the House was not bound to accept the Bill upon any authority whatever. His hon. Friend the Member for Burnley (Mr. Rylands), as far as he could gather, thought that the Postal Notes would be very liable to fraud, and that it would be most dangerous to make use of these Orders; but he would remind the hon. Member that anyone who preferred to make use of the present Money Orders could do

so, as the present Bill did not do away with them. It simply supplied the deficiencies which existed in that system in a simple and convenient manner. He did not believe in the probability of danger arising from their circulation, and considered that they would be a most convenient form of circulating medium. He might say that a strong reason for fixing the period of their circulation at three months was that these Notes would be purchased by persons in considerable numbers, and it would be very inconvenient to those purchasing them to be obliged to use them within the short space of one month.

**Mrs. J. G. HUBBARD** said, these Notes were simply checks given by the Post Office, payable to bearer, and were not in the nature of currency. He thought they might be considered as a great convenience, and that they were not open to the apprehensions expressed by the hon. Member for Burnley (Mr. Rylands).

**SIR JOHN LUBBOCK** said, that, as the Bill stood, it was impossible not to regard these Documents as currency. The noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had stated that the Bill was the result of a recommendation of a Committee on which sat one of the Directors of the Bank of England; but he would remind him that both the Governor and the Deputy Governor of the Bank of England, and many of the Directors, had joined in petitioning that House to allow the Bill to go to a Select Committee. The Government, however, had decided otherwise. He hoped that, if not at that Sitting, at all events, on Report, the Government would consider whether they could not adopt the Amendment of his hon. Friend the Member for South Essex. The Bill was intended to facilitate the transmission of small sums of money by post; and it was obvious that the Amendment did not, in any respect, interfere with that object. It had been stated that the Post Office authorities objected to the transmission of postage stamps through the Post Office; but these Notes would be, in his opinion, just as dangerous as stamps. He regretted the Government were not in a position to accept the Amendment on that occasion, but trusted that the question would be re-considered before Report.

*Mr. Rylands*

Question put.

The Committee *divided*:—Ayes 116; Noes 23: Majority 93.—(Div. List, No. 110.)

Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. J. G. HUBBARD said, that the duration of these Orders under this clause would be, practically, four months. He hoped the right hon. Gentleman the Postmaster General would consider whether he could not reduce the possible duration of the Orders to three months.

Clause, as amended, *agreed to*.

Clause 2 (Application of 11 and 12 Vict. c. 88, and laying of regulations before Parliament).

MR. R. N. FOWLER said, he had given Notice to omit this clause. There were certain things that he objected to in the Post Office Regulations, and this clause adopted the Regulations; and, therefore, the only way for him to raise a protest against the Regulations was by moving to omit this clause. As the right hon. Gentleman had now made an Amendment which would somewhat meet his views, he did not propose to move the rejection of the clause. It was unfortunate that the Bill had come on for consideration so late at night; but it was better that it should be considered at that hour of the morning than that it should be longer delayed.

Clause *agreed to*.

Clauses 3 to 7, inclusive, *agreed to*.

SIR JOHN LUBBOCK said, that he begged to move the insertion of the clause of which he had given Notice in regard to the non-liability of bankers in respect of Money Orders. It was most convenient for the public that the present custom should be pursued of a banker taking these articles and presenting them for payment to the Post Office. The custom at present was that the banker should be at once credited with the amount of the Order; and the object of his Amendment was to prevent the bankers, who had received payment, incurring any liability, excepting, of course, to their customers, if it should be afterwards found that the Order was not genuine. He begged to move the following Clause:—

(Non-liability of bankers in respect of money orders.)

"A banker who has in good faith received payment on behalf of a customer of any money order issued under this Act, or of any document purporting to be such a money order, shall not incur any liability by reason of having received such payment."

New Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. FAWCETT said, that this was really more a question for the consideration of bankers than of the Post Office. He understood that Money Orders were now presented to the Post Office by the bankers, and that credit was given them for the amount; but if the Orders on examination were not right, then the bankers were charged by the Post Office with the amount of the Orders thus overpaid. What it was now sought to do was to get rid of this liability. If the bankers said that they would not have any liability for cashing any number of Orders, then, of course, the Post Office must protect itself, and would say—"Before we cash your Orders we must examine them." This clause would put the Post Office in this position—that it would not be able to pay the bankers cash for the Orders before it had had time to examine them. He very much doubted whether that would be a course acceptable to the bankers; and the opinion of many eminent authorities whom he had consulted was that it would be found so extremely inconvenient to the bankers that they would contract themselves out of the operation of the clause by giving the Post Office an indemnity, and practically saying—"If you will cash our Orders without examination we will repay you, if the Orders are afterwards disallowed by you." If the bankers, however, considered that this clause was necessary, and supported the views of the hon. Baronet the Member for the University of London, he should not oppose the insertion of the clause.

MR. BARING said, that it did not seem to him so much a question between the bankers and the Post Office as between the bankers and their clients, the public. He had known instances where Post Office Orders had been credited as paid, and 10 days afterwards had been returned by the Post Office to the



bankers. Of course, the bankers then debited their customers' accounts with the amount.

MR. COURTNEY said, that before the clause was added to the Bill, he thought that his hon. Friend should explain the liability the bankers now incurred. The clause said that no banker who had received payment of a Money Order, or of any document purporting to be a Money Order, should incur any liability by having received such payment; but the banker would be liable to the customer from whom he received the Order. He did not understand what liability it was from which the banker wished to escape.

MR. WILLIS said, that, as the law at present stood, if a banker, as agent for a customer, received money from the Post Office on an Order which was afterwards discovered not to be genuine, the banker would not be under any obligation to return that money if he had paid the same to the customer or into the customer's account. This clause set out the law as it at present existed—that an agent who *bona fide* received money on behalf of a principal was not under any liability to return the money if he had paid the same to his principal. If the banker received money from the Post Office he was under no liability; but the customer might be called upon to repay it. Therefore, the Amendment only stated what the general law was. He should support the clause, because it was a definition of the existing law.

SIR JOHN LUBBOCK said, that the clause would not affect the relations between the banker and his customer. He would credit his customer with the amount of the Order, and if it were afterwards rejected would debit him with it. But supposing the customer died, or anything happened to prevent the liability being enforced upon the customer, then this clause was to prevent any liability attaching to the banker. He might say that the bankers had taken legal advice upon this subject, and were informed that in the case he had stated they would be liable to the Post Office. A similar view was taken by Parliament in the Crossed Cheques Act; and the words adopted by him in this clause were, practically, the same as were used in that Act. The bankers desired to have a clause in the Bill, because they would then know where

their liability ceased. There was no desire to prevent the Post Office examining these documents.

MR. J. G. HUBBARD said, that he thought this clause was a very strange one, and he should like to know whether bankers were to incur any liability or not? If they did not incur liability, there was no reason for the introduction of the clause; and if they did incur liability, he did not see why they should be relieved from it. If it was desirable that the Post Office authorities should not incur a liability in this matter, and if it did not rest upon the bankers, upon whom was the liability to rest? It seemed to him that everybody sought to escape from the liability, except the individual from whom the Post Office Order might have been stolen.

MR. HASTINGS said, that he had only to state, with regard to this clause, that he did not see that there was any necessity for it.

Question put.

The Committee divided:—Ayes 49; Noes 64: Majority 15.—(Div. List, No. 111.)

COLONEL MAKINS said, that he wished to ask the Chairman why, after an expression of his opinion, which opinion had not been challenged, he had afterwards put the Question a second time, and allowed a division to be taken?

THE CHAIRMAN said, it was because there was a misapprehension, and it had been stated to him that his decision was challenged. In case of a misapprehension, he put the Question a second time.

Schedule.

SIR JOHN LUBBOCK said, that he had to move in the Schedule to leave out lines 14 to 17, and to insert instead thereof—

"The person to whom this order is issued must, before parting with it, fill in the name of the person to whom the amount is to be paid. The person so named must also, before parting with the order, fill in the Money Order Office at which the amount is to be paid, and sign the receipt at foot thereof."

The object of the Amendment was simply to promote greater security.

MR. BARING said, that he hoped the right hon. Gentleman the Postmaster General would accept the Amendment. He was very glad that the hon. Baronet

*Mr. Baring*

a man might be guilty of indecently assaulting a child of tender years; and the Bill proposed that when the child was under 13, consent should not be pleaded, and it, therefore, simply extended the existing law. Of course, he admitted that cases of this kind should be narrowly watched; but he submitted to the Committee whether, having regard to present legislation, it was not a reasonable amendment in the law to abolish the plea of consent, where a man had been proved to be guilty of an act of indecent assault, within the limits of the age named in the clause.

MR. HASTINGS said, he was quite aware of the state of the law with regard to misdemeanour of the kind referred to by the Solicitor General. But he put it to the Committee that the Bill was a proposal to extend the law to cases of indecent assault, which was quite another matter. His argument was, that if children of 11 or 12 years of age were capable of prostitution, as he had shown they were, they were capable of understanding the nature of the act, and that, therefore, it was unreasonable, in cases of this kind, that a man should not be allowed to plead the girl's consent to an indictment for indecent assault.

MR. WARTON said, he felt it his duty to support the Amendment, notwithstanding the able argument of the hon. and learned Solicitor General. No cases were ever tried before juries in which the prejudice against the prisoner was so fearful as in these cases of assaults on young persons. Even if the person charged were innocent, it was scarcely possible to get an acquittal when a little girl was in the witness-box. One reason for this was, that there were Societies in existence which were maintained by bringing charges of this description. They gave themselves grand names, and issued prospectuses, in which they said they never failed to get a conviction, and that was true, for they did this by tampering with the medical witnesses. He had been, as he considered, tolerably fortunate in obtaining acquittals—that was to say, he had only obtained one, and that was owing to his having exposed the doings of the Society who got up the case. From a sense of public duty, he stated his conscientious belief that these Societies, under the pretence of protecting women and children, had most wickedly tampered with medical

evidence. It was well known that amongst the lower classes, acts of indecency were very common; and children, owing to their condition of living, became familiarized with these acts at a very tender age. Therefore, he was strongly against straining the possibility of a man's being convicted in the manner proposed by the Bill. He regarded the age of 13 as much too high, and was in favour even of a lower age than that named in the Amendment of the hon. Member for East Worcestershire. The Solicitor General probably knew that 12 was the legal age for marriage.

MR. HOPWOOD said, the term “indecent assault,” was by common consent applied to cases of gross indecency. He thought the Committee might safely agree to the age of 13 remaining in the clause.

MR. MUNDELLA said, it had been agreed upon by the Royal Commission which sat to consider the Contagious Diseases Acts, that the age with regard to consent ought to be raised. The Commission, consisting of the most eminent lawyers, and others, on that occasion fixed it at 14 years, but the Bill would reduce it to 13 years.

MR. WARTON said, that he thought the word “sexual” was not sufficiently comprehensive for this clause. There might be many assaults by mere handling or pulling about.

*Amendment negatived.*

*Clause agreed to.*

MR. HOPWOOD said, that he was desired to move that a new clause be added to the Bill, exempting Scotland from the provisions of the measure. He had it on the authority of the Lord Advocate, that the Scotch law was quite sufficient at present to provide for these cases, and it would do no good to interfere with it.

MR. COURTNEY said, he thought the Committee ought to have some further explanation why the Bill should not apply to Scotland.

MR. HOPWOOD said, that in obedience to the suggestion of the Government, and of the right hon. and learned Gentleman the Lord Advocate for Scotland, he had moved the insertion of this clause. It was desired to exempt Scotland from the provisions of the measure on the ground that the law was already sufficient in Scotland to meet these cases.

country should be brought on at an hour when it was impossible to discuss it fully. Having been precluded by that cause from opposing the second reading of this Bill, he would take the present opportunity of pointing out that an alteration was necessary with regard to the 2nd clause, which fixed the age of 13 as the lowest age at which a prisoner might make what might be the only valid defence on an indictment for indecent assault. He proposed to reduce the age specified in the clause to 10 years. As Chairman of Quarter Sessions, his experience had extended to the trial of a considerable number of cases of the kind contemplated by this Bill. It was only 18 months ago a man was on trial before him for an analogous, although not technically an identical, case. The man was indicted under a Statute passed three years ago. In that case the girl was not quite 12 years of age, and was actually pregnant when she came into the witness-box. He was, of course, astonished when this was stated; but the medical man had assured him that there was no mistake as to the fact, and the girl was delivered of a child in the workhouse some three or four months afterwards. A charge of indecent assault might mean very little, indeed—no more than lifting up the clothes. Now, it would be very hard that a charge of this kind should be brought by a girl sufficiently developed in body to become pregnant, and that a man should not be allowed to plead in defence that the act was done with her consent. In another case, he was informed by the superintendent of the police that a child, who was the principal witness against a man on an indictment for rape, had been for nearly a year engaged in habits of prostitution before she complained of that particular offence. Was it right, whatever age the child might be who was engaged in prostitution, that a man should be indicted for an indecent assault upon her, perhaps at her solicitation, and possibly convicted, without his being able to plead that it was done with her consent? But that would be the effect of the Bill as it stood at present. Again, in another case, in which a very interesting child of 11 years of age was placed in the dock on a charge of stealing, it appeared in evidence that she had been a prostitute under the training of her

mother. It was really appalling to hear the number of child-prostitutes in the country. A measure had already passed the House this Session in relation to them; and he again asked, was a man to be placed in peril by the evidence of such persons, and prohibited from pleading consent? He was convinced that the limit of age in the Bill was fixed far too high, and that the age of 10 would be quite as high as it ought to be. He would add that the Bill had been brought forward on account of the sensation created by one single case, in which, no doubt, a failure of justice had taken place. But that failure was not due to any fault in the law. It was owing to its not having been properly administered; for, in this particular case, the Chairman of Quarter Sessions neglected to put to the jury whether the child was, in their opinion, capable of understanding the nature of the act. He (Mr. Hastings) regretted to say that he had had before him a number of cases in which the children concerned in them were of an exceedingly tender age. In one case a child of six was concerned, and the counsel raised the defence that the child did not resist. He (Mr. Hastings) over-ruled that defence, and put the question to the jury as to whether they thought a child of six was capable of consenting to the act charged? The case was reserved; but when it came before the Judges they decided that his ruling had been perfectly right. Therefore, if the present law was going to be altered, he trusted that the age of 10 would be inserted in the clause instead of 13.

Amendment proposed in page 1, line 8, to leave out the word "thirteen," and to insert the word "ten."—(Mr. Hastings.)

THE SOLICITOR GENERAL (Sir FARRER HERSHELL) said, the hon. Member who had moved this Amendment seemed to be under some misapprehension as to the present state of the law. He wished to call the attention of the Committee to the fact that all cases of the kind in question committed with girls under the age of 12 came under the head of misdemeanour, and that, therefore, in the cases put by the hon. Member, it would be no defence to prove consent. There might, of course, be cases when, without the act of consent having been accomplished,

Mr. Hastings

# PARLIAMENT—BUSINESS OF THE SESSION.

## QUESTION. OBSERVATIONS.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, he felt it his duty to ask Her Majesty's Government, What legislative measures of importance they proposed to send up to their Lordships' House from the Commons before the close of the Session, and at what time every such measure might be expected to arrive? He thought that House had often had reason to complain that measures were submitted to their Lordships at a period of the Session when they had no longer time to consider them fully. That complaint might be made with peculiar force on the present occasion, when the Session had already extended beyond the usual limits. He must remark also that he thought too much had been attempted by Her Majesty's Government in the present Session. The Queen's Speech was delivered as late as the 20th of May, and surely Ministers could not have supposed that Parliament would be able to do as much between that time and the Prorogation as they could have accomplished if it had commenced in February. It was simply absurd to expect anything of the kind. Whether the Government supposed that they would be able to do extraordinary things, in consequence of their great majority in the other House, it was not for him to say. Again, he might point out that only one measure of importance—the Burials Bill—had been originated in their Lordships' House. It went down to the Commons on the 24th of June, and it had only just passed a second reading there. Their Lordships knew from the Commons' Minutes which were furnished to them that two Bills of very considerable importance which had been originated in the other House were pending there still, and that they had made very little progress. Could the noble Earl say when their Lordships might expect both or either of those Bills? It was now a fortnight since their Lordships had disposed of the Compensation for Disturbance (Ireland) Bill, and they had had no Government Bill of importance before them since that time. Their Lordships had virtually nothing more to do but to wait for

Bills to come up from the other House, and the result was that many noble Lords had gone away, and it was important that it should be known when the measures referred to would reach their Lordships' House, so that those who had left would have it in their power to come back and take part in the discussion of the Bills. He was at a loss to know why either the Employers' Liability Bill, or the Hares and Rabbits Bill, had not been originated in their Lordships' House. Considering the great amount of time which was occupied in the other House in financial Business, it would have been a great advantage if those Bills had been introduced into that House. Had that course been taken, the measures might have gone down, and have been considered, or even been disposed of, in the Commons before now, in which latter case the Government would have been free to proceed with the other Bills. Instead of that, however, they would come up when their Lordships would not have time to consider them. He spoke in no Party spirit, because their Lordships would remember that, on many occasions, he had taken exception to Bills coming up to their Lordships at a late period of the Session. The objection to proceed with the Hypothec Bill of the late Government would be fresh in their memory. He thought that all the principal measures introduced by Her Majesty's Government showed indications of having been hastily prepared. To both the Employers' Liability Bill and the Hares and Rabbits Bill there had been much opposition, and considerable alterations had been proposed in both by the Government themselves. Now, so far from it being desirable that important measures should always be passed in the Session which saw them introduced, he held that, in many cases, it was much better that such Bills should only be carried to a particular stage in the Session they were introduced, and then be considered by the country during the Recess. The result of this was that they were passed during the next Session in a more perfect state, and did not require those Amendments which so often became necessary in the case of statutes which had been hurried through Parliament. He hoped the noble Earl would give such a reply as would afford their Lordships information as to the

There was, he was informed, in the Scotch Common Law sufficient provision for what was termed "libidinous" assault. As, therefore, these cases were sufficiently provided for by the existing Scotch law, it was thought undesirable to complicate the law by applying to Scotland a Bill of this character.

Clause *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

House adjourned at half after Two o'clock.

## HOUSE OF LORDS,

*Friday, 13th August, 1880.*

MINUTES.]—SELECT COMMITTEE—*First Report*—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod [No. 194].

PUBLIC BILLS—*First Reading*—Fraudulent Debtors (Scotland) \* (193).

*Second Reading*—Railways Construction Facilities Act (1864) Amendment (180); Married Women's Policies of Assurance (Scotland) \* (188); Spirits \* (184); Drainage Boards (Ireland) Additional Powers \* (183).

Committee—*Report*—Metropolitan Board of Works (Money) \* (185).

### RAILWAYS CONSTRUCTION FACILITIES ACT (1864) AMENDMENT BILL.

(*The Earl of Cork and Orrery.*)

(No. 180.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF CORK AND ORRERY, in moving that the Bill be now read a second time, said, it had received the sanction of the Board of Trade and had passed through the other House. It had been promoted for the purpose of enabling a certain number of railways in Ireland, which had been scheduled, to be proceeded with, and which, if the Bill were not passed, could not be constructed.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Earl of Cork and Orrery.*)

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he had no objection to make to a Bill which would assist in relieving distress in Ireland;

*Mr. Hopwood*

but he did not think that the measure should be passed for a longer period than this year—that was, it should expire on the 31st of December, 1880, instead of on the 31st of December, 1881, as the distress would be over at the former period, and if any applications were made under it, they might be allowed to run on for another year. He did not think that the ordinary legislation should be set aside for a longer period than he had mentioned.

EARL SPENCER said, he trusted that his noble Friend the Chairman of Committees would not oppose the second reading, as it was of great importance that the Bill should pass and be in force till the end of next year (1881), when the Relief Act would also expire. This Bill would facilitate the operations of that measure. If not in force for the period he had named, very little would be done under it.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) pointed out that applications could be made under the ordinary law in November and December next if it should be thought necessary. The Bill was creating a novelty in legislation.

Motion *agreed to*; Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House on *Monday* next.

### ELEMENTARY EDUCATION BILL.

(*The Lord President.*)

(No. 106.) COMMONS AMENDMENTS.

Commons Amendments *considered* (according to Order).

EARL SPENCER, in moving that the said Amendments be agreed to, said, that one of them was made to meet the case of children who had been employed under the Factory and Workshops Acts. Under the Bill it would be impossible to impose a new condition upon them, requiring them to go back to school when they had earned exemption under the previous Acts. Another Amendment applied to children in rural districts. Where the children had earned exemption from attendance, they would be able to claim that right without further conditions being imposed upon them by any new bye-laws. The other Amendment was a privileged one.

Motion *agreed to*.

Amendments *agreed to* accordingly.

THE EARL OF HARDWICKE said, he would bow to the ruling of the noble Earl, and would not discuss the Bill; but he might, without being irregular, say it was important to the Members of that House. The answer of the noble Earl to the Chairman of Committees was really no answer at all, because he simply said he thought that such and such a Bill would come up to that House at such and such a time. He wished to ask the noble Earl, whether he could give them any idea as to when Parliament was likely to be prorogued?

EARL GRANVILLE: On that point I am unable at present to give any information.

House adjourned at a quarter before Six o'clock, to Monday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Friday, 13th August, 1880.*

The House met at Two of the clock.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Merchant Shipping (Carriage of Grain)\* [287]; Married Women (Maintenance, &c. of Children)\* [300].

Committee—*Report*—Courts of Justice Building Act (1865) Amendment\* [307].

*Report*—Drainage and Improvement of Land (Ireland) Provisional Order (No. 4)\* [301].  
Considered as amended—Employers' Liability [303]; Post Office Money Orders\* [172].

*Third Reading*—Consolidated Fund (No. 2)\*, and passed.

## QUESTIONS.

### IRISH CHURCH TEMPORALITIES COMMISSIONERS—THE TRUSTEES OF ST. CATHERINE'S PARISH, DUBLIN.

MR. WILLIAM CORBET asked Mr. Solicitor General for Ireland, Whether his attention had been called to the judgment lately delivered by the Master of the Rolls in Ireland, in the case of the Trustees of St. Catherine's parish, Dublin, against the Rev. Robert Vance, vicar of the parish, the Commissioners of Church Temporalities, Ireland, John Denison Wardell, and Louis Jonas Wardell, for the restitution of property,

(two houses) belonging to the charities of the parish, which the vicar, though only a trustee, had, together with the rents and profits arising therefrom, appropriated to his own use for a period of thirty years; whether he is aware that the vicar suppressed these two houses from his Return to the Ecclesiastical Commissioners, and of the observations of the Master of the Rolls in reference thereto, viz., that—

"The suppression of these two houses from his Return is not a reason for depriving Mr. Vance of his legal right, if he has any, but it gives colour to the suggestion that Mr. Vance from the first intended to keep them for himself, particularly having regard to the fact that before he became a clergyman he was a lawyer."

Whether he is aware that owing to this misappropriation the charities have been deprived of the rents and profits of these houses for twenty-four out of the thirty years they were held by the vicar; whether he is aware that the attention of Archbishop Trench was called to the matter by a resolution of the board of trustees, of which he has taken no notice; and, whether there are now any means of compelling the vicar to make good the loss the charities of St. Catherine's parish have sustained at his hands?

THE SOLICITOR GENERAL FOR IRELAND (MR. W. M. JOHNSON): Sir, I saw the report of this case in the Dublin newspapers last May; but as I cannot find that it has yet been reported in the authorized *Law Reports*, I am not aware of the precise terms of the judgment of the eminent Judge who decided the case. There seems to have been a long dispute whether two particular houses in Thomas Street, Dublin, formed part of the charity property of the parish of St. Catherine, in that City, or of the emoluments of the vicar. In 1854, a private Act of Parliament (17 & 18 *Vict.* c. 23) vested the property of the parish (which it purported to enumerate in a Schedule to the Act) in trustees for parish purposes. These two houses were not enumerated in that Schedule, and the vicar seems to have therefore considered they belonged to him, and not to the parish. The trustees were, at one time, apparently of the same opinion, for they contracted to purchase the houses from the vicar for £495; but as he could not make a good title to the satisfaction of

Business which they might expect to have to do before the Prorogation.

EARL GRANVILLE: My Lords, I am bound to say that nothing could be more legitimate than the Question of the noble Earl. If, as it is said, "Practice makes perfect," my noble Friend ought to have attained perfection, for it will be in your Lordships' recollection that the Question is one which my noble Friend almost invariably puts at this period of the Session;—[The Earl of REDSDALE: No.]—and it has so happened that on several occasions I have been in a position to answer it. I hope the answer I shall be able to give him will be equally perfect; but I am afraid it is one which may not be perfectly satisfactory to your Lordships. I can bear my testimony to the fact that my noble Friend puts this Question without any reference to Party feeling, for he has put the same Question to successive Governments. He complains, first, that some of the Bills now in the House of Commons were not brought into your Lordships' House first, and next that important Bills are often brought to this House late in the Session. With regard to the last point, when your Lordships find successive Governments failing in that regard, I think it will be apparent to you that there must be considerable difficulties in the way of the course advocated by my noble Friend. Then my noble Friend says we undertook a great deal more than we ought to have done at the commencement of the Session. I do not think that is the case. Looking at the Queen's Speech, I do not think so very much was promised in it; but I believe, without making any criticism upon the point, that there is now a tendency in the other House of Parliament to discuss measures at a much greater length than it was the custom to do when I had the honour of a seat in that House. When the noble Earl asks me, why do we not introduce more Bills in this House, he ought to bear in mind that Governments have often found that was a very unfavourable way for getting Bills through. That was the case for the last six years, when the late Government, with their enormous majority, were in Office, and it applies equally to a Government which only possesses a small minority in this House, as we do. In answer to the last part of the Question I

only speak with a certain reserve. I have been informed by the noble Marquess (the Marquess of Hartington), who is now leading in the other House, that one of those important measures—the Employers' Liability Bill—will probably reach this House at the beginning of next week, and the other—the Hares and Rabbits Bill—before the end of the week. As to the Savings Banks Bill I cannot say exactly when it will come up; but the Government will make every endeavour to bring up as soon as possible all the Bills with which your Lordships have to deal.

LORD STANLEY OF ALDERLEY complained that, having, on the 4th of June, obtained an admission from the noble and learned Lord on the Woolsack (Lord Selborne) that the law as regarded the plea of consent in cases of criminal assaults on children required to be amended, nothing had been done by the Government to bring in a Bill on the subject, and the matter was being dealt with in a Bill introduced in the other House by a private Member.

THE LORD CHANCELLOR said, that but for the encouragement given by the Secretary of State for the Home Department to the private Member who had introduced the Bill to which the noble Lord referred, it would have had no prospect of passing the House of Commons. He thought that, on the whole, the course adopted had been the most convenient. He hoped the Bill would be before their Lordships in a very short time.

THE EARL OF HARDWICKE said, the answer of the noble Earl (Earl Granville) was a little problematical. He (the Earl of Hardwicke) was informed that the Employers' Liability Bill, which was that afternoon before the House of Commons on Report, was not likely to be read a third time; and instead of coming up at the beginning of the week, it would probably not be before their Lordships until the end of the week. The Hares and Rabbits Bill would, probably, not be before them until the middle of the following week, the 24th or 25th August. The latter was a Bill which particularly affected the landowners of the country.

EARL GRANVILLE reminded the noble Earl (the Earl of Hardwicke) that it was irregular to discuss a Bill not yet before the House.

*The Earl of Redesdale*

## FOREIGN GAME LAWS.

MR. BRYOE asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government are willing to take steps to obtain from Her Majesty's representatives in Sweden and Norway a report giving an account of the laws in force there relating to the preservation and destruction of wild animals?

SIR CHARLES W. DILKE: Sir, in the series of Reports from Her Majesty's Representatives abroad on the laws relating to the protection of game, which were laid before Parliament in 1871, will be found a Report on the laws then in force in Sweden and Norway; but Her Majesty's Minister at Stockholm will be instructed to forward a statement of any changes which may have taken place since that date.

## MERCANTILE MARINE—LIGHTHOUSES AT THE ENTRANCE TO THE RED SEA.

SIR JOHN HAY asked the President of the Board of Trade, If he will inform the House whether any progress has been made this year in completing the lights necessary for safe navigation of the Red Sea and its approaches, especially Cape Guardafui, Ras Hafoon, Socotra, Alikhel, and The Brothers?

MR. CHAMBERLAIN: Sir, I can add but little to what the noble Lord my Predecessor in Office (Viscount Sandon) said in the House at the beginning of March, on the Motion of my hon. Friend the Member for Hastings (Mr. T. Brassey) on this subject. The Board of Trade have been, and are still, in communication with the India Office and Admiralty, and also with the Foreign Office, who state that negotiations are proceeding with both the Turkish and Egyptian Governments on the subject. The whole question is one that involves considerable care, in consequence of the difficulty in making satisfactory arrangements for the care and permanency of the lights.

## AGRICULTURE—INSURANCE OF CROPS.

SIR EARDLEY WILMOT asked the President of the Board of Trade, If his attention has been called to a proposal made by a Fellow of the Royal Society, and based on the meteorological data in the Society's possession, for an insurance by the landed interest of the crops against

weather; and, if so, whether the Government will be disposed to give any support to the proposal, as an item in the settlement of the Land Question?

MR. CHAMBERLAIN: Sir, the hon. Baronet having only placed his Notice upon the Paper yesterday evening, I have not had an opportunity of ascertaining what the proposal is to which he refers, nor do I understand in what way he wishes the Government to act with regard to the proposal; but, judging from the information contained in the Question, the matter appears to me to be one for private enterprize rather than for Government interference.

## AFGHANISTAN — MILITARY OPERATIONS—THE MARCH OF GENERAL ROBERTS.

MR. ONSLOW asked the Secretary of State for India, What arrangements have been made by Her Majesty's Government to obtain accurate information from day to day regarding the march of General Roberts from Cabul to Candahar? He would also ask, whether arrangements have been made for supplying General Roberts with food and forage on his march?

THE MARQUESS OF HARTINGTON: Sir, I have no doubt that General Roberts will arrange, in the same way that General Donald Stewart did in his march from Candahar to Cabul, to send information as fully as possible by means of special messengers to the Indian Government; but I do not, however, anticipate that he will find it possible during the whole of his march to keep up communication with India. I have no details as to the arrangements made, which will rest absolutely with the General in command. As to the arrangements for the supply of food and forage, I am not in a position to give to the House any detailed information. In reply to a question which I sent a few days ago to the Government of India, I was informed that General Stewart and General Roberts had made all the arrangements that were considered necessary, and that General Stewart had been asked, for my satisfaction, to send further details. He has not yet supplied them; but I have not the slightest doubt that the arrangements which have been made are, in the opinion of the Indian Government, perfectly satisfactory. I may remind the



their advisers, the contract fell through. Subsequently, the trustees, on further consideration, claimed the houses for the parish, and instituted the action referred to in the Question, in which they succeeded in recovering the premises, with six years' rents and profits. Archbishop Trench, the Archbishop of Dublin, is one of the trustees, and, therefore, has perfect knowledge of all the facts, and I am not aware that any special application has been made to him on the subject. The vicar has, by the judgment of the Court, been compelled to make good to the trustees all that they are entitled in law to obtain from him.

#### HOSPITALS AND INFIRMARIES (IRELAND).

MR. WILLIAM CORBET asked the Secretary to the Treasury, with reference to the diminution of the salaries and expenses of hospitals and infirmaries in Ireland in 1879 by the large sum of £3,369 1s. 3d., as shown in the Abstract of an Account just issued, Whether he can state the names of the hospitals and infirmaries in which reductions have been made, the amount of such reductions, and the cause thereof?

LORD FREDERICK CAVENDISH: Sir, there has been no reduction in the grants to hospitals and infirmaries in Ireland. The amount taken in the Estimates is the same every year. The apparent diminution shown in the account referred to by the hon. Member is due to the fact that the period for which the account is made up is the calendar year, and not the financial year. Thus, if any issues in respect to these hospitals happened to be made after the 31st of December, instead of before, the issues in that calendar year would be diminished thereby, although there might be no difference in the issues in respect to the financial year, ended March 31 following. I hope during the Recess to consider whether this Return, which is rendered under Act of Parliament, may not be made to serve some more useful purpose; and, if so, legislation may be necessary to alter the period for which it is made up from the calendar year, which was the financial year at the time of the Act, to the present financial year, and to define more exactly the charges which it is desirable to include in it.

*The Solicitor General for Ireland*

#### COMMISSIONERS OF NATIONAL EDUCATION (IRELAND)—SPECIAL EXTRA SUBJECTS—THE IRISH LANGUAGE.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, of the special extra subjects on the advanced subjects programme of the Commissioners of National Education in Ireland, in respect of which result fees are now paid to teachers, the Irish language is the only one for which a programme of qualification for teachers desirous of obtaining certificates of competency to teach, has been issued by the Commissioners; whether passing an examination on such programme has been made a necessary condition for teaching Irish, with a view to the earning of result fees; and, if so, what is the reason for exacting this exceptional condition; and, whether it is only since the Irish language was added to the number of extra subjects on the Board's curriculum, that examinations for teachers in any extra subjects have been held, in order to grant the necessary certificate to entitle the teachers to result fees?

MR. W. E. FORSTER: Sir, I am informed that every extra subject is brought under examination. The special programme for Ireland was issued in 1879, and this was done to assist the teachers in their preparations for first examination on the subject. To pass an examination in Irish has been made a necessary condition of the teaching of that language, and there is nothing exceptional in the arrangement.

#### THE BOARD OF WORKS (IRELAND).

MR. DAWSON asked the Secretary to the Treasury, If the request from the Architects' Department of the Board of Works, Ireland, applying for an increase of staff, as recommended by the Report of the late Commission of Inquiry under Viscount Crichton, will be complied with?

LORD FREDERICK CAVENDISH: Sir, as I have already stated on more than one occasion, it is the intention of Her Majesty's Government to go carefully into the various questions dealt with in the Report of the Commissioners of Inquiry as a whole; and it would, therefore, be inconvenient in the meantime to make any statement upon the separate recommendations; but we hope to deal with the whole next Session.

**SIR ALEXANDER GORDON:** I hope that the noble Lord will not reply to any more of these Questions.

**MR. GORST:** I beg to give Notice for Monday next that I shall ask the noble Lord, Whether the Government will be prepared to give an undertaking not to prorogue Parliament until the result of General Roberts's expedition is known?

#### NEWFOUNDLAND—MINING RIGHTS.

**CAPTAIN AYLMER** asked the Under Secretary of State for the Colonies, If he can hold out any hopes that at an early date the right of British subjects to mine and erect works on the west shore of Her Majesty's colony of Newfoundland will be established beyond probability of further dispute?

**MR. GRANT DUFF:** I regret, Sir, that it is not in my power to do so at present.

#### AFGHANISTAN—BRITISH RESIDENT AT CABUL.

**SIR HENRY TYLER** asked the Secretary of State for India, Whether it is the intention of Her Majesty's Government to maintain a Representative at the Court of the new Ameer of Cabul, Abdur Rahman?

**THE MARQUESS OF HARTINGTON:** Sir, I have already informed the House that Abdur Rahman has been told he would not be required to receive a British Resident at Cabul; but, for the sake of maintaining friendly relations between his Government and that of India, it will be desirable to have the Government of India represented at his Court by a Native Agent.

#### MUNICIPAL CORPORATIONS—LEGISLATION.

**MR. HANBURY-TRACY** asked the Secretary of State for the Home Department, If he will take into his consideration during the Recess the Report of the Municipal Corporation Committee with a view to early legislation on the subject next Session?

**MR. ARTHUR PEEL,** in reply, said, he would, in the course of the Recess, consider carefully the Report of the Municipal Corporation Committee, with a view to legislation.

#### THE BRITISH MUSEUM—THE NEW BUILDING.

**CAPTAIN AYLMER** (for Mr. GRANTHAM) asked the First Commissioner of Works, Whether he is aware that the new building proposed to be erected at the British Museum will be in close proximity to other houses already erected; and, if so, whether he will give instructions that the roofs of the new building, which will be on a lower level than the surrounding houses, shall be constructed of fire-proof materials?

**MR. ADAM:** If, Sir, as I presume is the case, the hon. and gallant Gentleman's Question refers to a new building proposed to be erected in Montague Street for the British Museum, I may inform him that no working plans have as yet been prepared for that building. It will be in proximity to other buildings; but every precaution will be taken to render the roof fire-proof in the same manner as the other buildings belonging to the British Museum, which are considered to be safe from fire from any external causes.

#### ARMY (INDIA)—CAPTAIN CHATTERTON.

**CAPTAIN AYLMER** (for Mr. GRANTHAM) asked the Secretary of State for India, If he will inquire of the proper authorities in India, and report to the House early next Session, whether, by the report of a medical board dated September 5th 1868, signed Surgeon Major Peekett, Surgeons Lowdell and Condon, and Assistant Surgeon Walsh at Mynee Tal, Captain Chatterton was not recommended to take twelve months' leave of absence for the purpose of returning to England to undergo an operation, viz., the division of the left tendo achilles, on the ground that it was not safe to perform the operation in India; whether Surgeon Major Powell, acting as garrison surgeon in Fort William, Calcutta, did not afterwards, in April 1869, confirm the above recommendation on the same ground; whether the only report on which the Despatch of January 5th 1869, ordering the compulsory retirement of Captain Chatterton, was founded, and which practically alleged that he was shamming, was not that made in November or December 1868 by Assistant Surgeon MacDermott, who was shortly afterwards removed from

the medical charge of that and other cases previously under his care; and, how it was that Captain Chatterton was dismissed the Army in April 1869, on the report of an assistant surgeon, when Captain Chatterton was acting on the reports of more eminent surgeons made both before and after the report of the assistant surgeon?

THE MARQUESS OF HARTINGTON, in reply, said, he had no objection, if it would satisfy him, to make the inquiry suggested by the hon. and gallant Gentleman; but he must repeat, what he had said some time ago, that the case of Captain Chatterton had been repeatedly under the consideration of several Vice-roys of India and of successive Secretaries of State at home; and, therefore, he could not hold out any hope that the decision come to would be reversed.

#### RAILWAYS—CONTINUOUS BRAKES.

MR. LEA asked the President of the Board of Trade, If he will state the number of Railway Companies that have consented to comply with the requirements of the Board with regard to continuous brakes, as stated in the Circular of the 18th day of June; the number of Companies that have given unsatisfactory answers; and the number of Companies that have given no answer to the Board?

MR. CHAMBERLAIN: Sir, it is hardly possible, within the limits of a reply, to answer the Questions of the hon. Member; but I may say that I propose in a day or two to lay upon the Table of the House all the replies that have been received to the Board of Trade Circular relative to continuous brakes.

#### IRELAND—THE ROBBERY OF ARMS IN CORK HARBOUR.

COLONEL MAKINS asked the Chief Secretary for Ireland, If he had received any further information with reference to piratical attack on the *June* at Cork?

MR. W. E. FORSTER, in reply, said, he was sorry to say he had received no further information with reference to the attack referred to by the hon. and gallant Member. He had, however, reason to believe that the accounts of the affair which had appeared in the newspapers were substantially correct.

*Captain Aylmer*

#### ORDER OF THE DAY.

##### EMPLOYERS' LIABILITY BILL:

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.*)

[BILL 303.] CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration."—(*Mr. Dodson.*)

MR. COURTNEY said, he wished to direct attention to the changes of opinion which had occurred on this Bill during its progress through the House in Committee. There could be no doubt that there was a growing conviction that a great change had come over opinion on the subject of the doctrine of common employment, and that, if not this Session, during a near Session that doctrine must necessarily be abolished. When the right hon. Gentleman the late Home Secretary (Sir R. Assheton Cross) announced his opinion that the doctrine of common employment should be given up, and the late hon. and learned Solicitor General (Sir Hardinge Giffard) proposed to abandon at once a Bill with respect to Railway Companies, there could be no doubt that the doctrine was doomed. A law which made the master responsible for the negligence of his servants, notwithstanding that such negligence might have been committed against his orders, and even in defiance of his orders, could not be defended upon any abstract principles of justice or as a matter of expediency. Therefore, the Bill proposed to reduce the amount of compensation obtainable under it to a fixed amount; and, in doing so, it had practically made it a penalty for negligence instead of compensation for injury. Looking at the Bill as it stood, and seeing how far it fell short of what the House of Commons wished, he confessed he was drawn somewhat reluctantly to the conclusion that it would be better if the Bill were dropped altogether. ["No, no!"] He knew that many hon. Members would object to that course; but he wished to point out to them that the discussion which had taken place would be by no means wasted and he believed it would be

Clause (Common employment to be a question of fact for the jury),—(*Mr. Hinde Palmer*,)—*brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) hoped the House would not take up much time in discussing this clause, which simply meant that without the Judge explaining the law the whole case was to be left to the jury. The clause was an alternative measure, and in the interests of both employer and employed he hoped it would not be pressed, as he thought nothing more prejudicial could be introduced. Talk of the dangers of litigation, this clause was provocative of nothing but litigation, as every injured person would be induced to bring an action in the hope that in their case the jury might find it was not common employment, although they found it was yesterday.

Question put, and *negatived*.

LORD RANDOLPH CHURCHILL then moved the insertion of the following Clause:—

(Provision in case of insurance.)

"Provided, That, where an employer shall have contributed one-third of the premium or subscription to any sufficient fund for providing against personal or bodily injury in favour of a workman against accident of every kind in the course of his employment, and such workman, or his personal representatives in case the injury results in death, shall have received or shall be entitled to receive out of such fund, or in respect of any penalty payable by such employer under any statute, a sum equal to the amount of compensation which he or they would be entitled to recover under this Act, such workman or his personal representatives shall not be entitled to issue any process for recovery of such compensation or to recover any costs of such action unless such action shall, in the opinion of the Judge, have been necessary to fix or ascertain the amount of compensation, and any sum which such workman or his representatives shall have received, or be entitled to receive, out of such fund, or in respect of any penalty as aforesaid, which shall be less than the amount of compensation which he or his representatives shall be entitled to under this Act shall be a set-off pro tanto against such compensation, and it shall be lawful for any employer and workman to mutually contract for the insurance of such workman against such personal or bodily injury, and for such employer to deduct the proportion of premium payable by the workman in respect of such insurance from his wages. And, further, to mutually agree upon the amount of compensation to be paid to the workman for such bodily

injury or to his representatives should the injury result in death."

The noble Lord said, that his objection to the Bill as it stood was that it was a perfect specimen of class legislation. It had been forgotten by its framers that the interests, not of one class, but of two great classes, were vitally concerned in it, and it proposed to cast upon employers a liability without giving them the protection to which they were entitled. He thought they had some right to complain of the attitude the Government had taken up upon the question, as there was an implied promise on the part of the Government, when the Bill was in its earlier stages, that if an insurance clause was carefully drawn up it should receive the careful consideration of the Government, and that promise considerably facilitated the progress of the Bill. The clause he now moved had been carefully considered, and was drawn by a Member of the House who was thoroughly acquainted with the whole question; and it would, if adopted, promote the interests alike of the employers and the employed. It would give security to the former, and would keep before the eye of the latter the fact that he had an equal interest with his employer in preventing the occurrence of accidents. His contention was that if the Bill passed in its present form the lion's share of benefit would fall to the lot of the lawyers, because in the great majority of cases the liability to pay damages would be fought by the employers, who, as a rule, were rich men, and the costs would be so great as to swallow up almost the whole amount of the damages that might be awarded. The clause he proposed had for its object the encouraging of employers and employed to combine together to secure, by way of a mutual fund, an easy and just means of providing compensation for injuries sustained by workmen in the course of their work; and it would, therefore, have the effect of drawing masters and workmen more closely together. He hoped that at this, the eleventh hour, the Government would consent to amend a measure which, professing to be a compromise, compromised nothing and satisfied nobody.

Clause (Provision in case of insurance),—(*Lord Randolph Churchill*,)—*brought up*, and read the first time.

It had an extraordinary resemblance to a clause which the right hon. and learned Gentleman the Secretary of State for the Home Department had proposed to add to the Hares and Rabbits Bill, but which bore so hard on the tenant that it had to be abandoned. The resemblance was so like, that it seemed as if the right hon. Gentleman had got hold of it, and thought he might as well make use of it. The more simple and informal the notice could be made the better. All that was necessary in the ends of justice was that the person who was to be charged should become aware of the fact of the injury within six weeks. The necessities of the case might be met by a provision in the Bill that an action for injury should not be brought unless the employer was previously made aware, either by notice or in any other way, of the fact that the injury had been sustained. An elaborate notice like that required by the clause would, in a great number of instances, result in a practical denial of justice.

Mr. HOPWOOD hoped that the right Gentleman the President of the Local Government Board would not press the clause, which was far too complex and technical. The clause already in the Bill would be sufficient for the purpose in view. He considered the proposed one entirely unnecessary, and contended that excessively particular arrangements in matters of this kind became an incumbrance, and were very likely to defeat the poor man's claim.

Question put.

The House divided:—Ayes 133; Noes 34: Majority 99.—(Div. List, No. 112.)

Mr. GORST said, he wished to point out that, as the notice might be served by an illiterate workman, there ought to be no difficulty in construing the clause. For himself, he did not understand the meaning of "ordinary language." He thought it was an unwise thing to call on the workman to state the cause of the injury, as he might find it exceedingly hard to do so. He moved to leave out the words "in ordinary language the cause of."

Amendment proposed to said Clause, in line 2, to leave out the words "in ordinary language the cause of."—(Mr. Gorst.)

Mr. Gorst

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, the object of the words was to prevent any objection, on the ground that the cause of the injury was not stated in technical language. In order to leave no doubt in the matter, his right hon. Friend who had charge of the Bill would move, later on, to add at the end of the clause words to the effect that the notice should not be deemed invalid by reason of any defect or inaccuracy, unless the Judge should be of opinion that such defect or inaccuracy prejudiced the action.

Mr. EDWARD CLARKE said, he was very anxious that simplicity of language and of machinery should be secured by this Bill, and he thought if his right hon. Friend who had charge of it would consider the matter, he would see that the words were unnecessary and unfortunate. If the words which the hon. and learned Attorney General had intimated were to be added to the clause were to be so added, they would greatly increase the complexity of the proceedings to be taken under the Bill. As it stood, the Bill required the workman to give notice of the injury; but to state the cause of the injury was a very different thing. If the words objected to by the hon. and learned Member for Chatham (Mr. Gorst) remained, the hearing of every single action would be preceded by a discussion as to whether the cause of the injury was stated correctly in ordinary language. And if the Judge came to the conclusion that it was not, there would then, if the suggestion of the hon. and learned Attorney General were carried out, follow a discussion—first, as to whether the employer was prejudiced by the inaccuracy; and, secondly, whether the inaccuracy was intentional. It was idle to say that a clause such as this could be made use of by an illiterate workman without the assistance of a professional man; and he, therefore, thought it would damage the Bill.

Mr. H. H. FOWLER said, the words were very unnecessary, and he quite agreed with the hon. and learned Gentleman who had just spoken. He thought it possible that "ordinary language" would sometimes be very "extraordinary" language. A discussion in the

Courts on every occasion of an action as to what was the meaning of "ordinary language" would be extremely inconvenient, and it would be far better that the words should run "shall state the cause of the injury."

MR. HINDE PALMER thought the clause, as it stood, was sufficient; but if an Amendment were to be made, he did not think the suggestion of the hon. and learned Member for Chatham (Mr. Gorst) would attain the desired object.

MR. RYLANDS said, that in order to protect the employer from sham claims, it was absolutely necessary that the notice should contain sufficient particulars to enable the employer to judge whether the complaint of the workman was well founded or not.

SIR HENRY HOLLAND hoped the Government would adhere to the words of the clause they had proposed. The term, "in ordinary language," in his idea, was necessary and sufficient, and, above all, of some importance. It provided against a claim being upset because the cause of injury was not stated in formal and technical language. All that would be required would be a letter, stating, in simple terms, the cause of injury, from which the County Court Judge would readily ascertain if the case was a *bond fide* one.

MR. HUSSEY VIVIAN hoped that the language of the clause would be retained. He thought it was in the interests of the workman that he should be allowed in his own way to state the cause of injury, without the necessity of resorting to technical language or jargon of any kind. It was the more necessary, as the period of notice had been extended from 14 days to six months. In so long a time a trifling accident might be forgotten, and by requiring the workman to describe what had happened justice was done to both parties.

THE SOLICITOR GENERAL (SIR FARRER HERSHELL) said, that the words had been carefully selected. It was a lawyer's question. He thought the words were in the interest of the workman, and their omission would lead to all sorts of questions. The workman might be asked to state simply how an accident happened, and what was the cause of the injuries he might have sustained. In doing so some slight mistake might interfere with a substantial right,

and the words proposed to be added were to meet such a case.

MR. GORST said, that when he proposed his Amendment he did not know of the words which the Government proposed to add. He would, therefore, ask to be allowed to withdraw his Amendment.

MR. WARTON challenged the Government to show that in what they proposed there were any words providing that the workman should state the nature of his injury; and it was important that that should be done.

SIR HENRY TYLER objected to the clause as proposed, for the simple reason that it required the workman to state the cause of the injury, which might be obscure, and he might be unable to do it correctly, whilst it did not require him to state the nature of the injury, which he ought to be required to state, and could have no difficulty in stating.

Amendment, by leave, *withdrawn*.

LORD RANDOLPH CHURCHILL proposed to add the words "and nature of" to the word "cause."

Amendment proposed, in line 2, after the word "cause," to insert the words "and nature." — (*Lord Randolph Churchill*.)

Question proposed, "That the words 'and nature,' be there inserted."

MR. DODSON could not accept the Amendment, the adoption of which would place an additional obligation upon the working man, which was not intended by the Bill, and which would have no corresponding advantage to the employer. The object of calling on the workman to give notice in his ordinary language was to afford the employer a sufficient indication of what caused the injury, in order that he might set about his own inquiries.

MR. GORST supported the Amendment, as he thought it would enable the employer to arrange with the workman the amount of compensation, without resort to law.

MR. HINDE PALMER thought the Amendment altogether unnecessary, and calculated to embarrass the working man, and place an unfair difficulty in the way of his obtaining compensation.

Mrs. HARDINGE GIFFARD expressed a hope that the Amendment would not be persevered with.

Question put, and *negatived*.

Mr. SEXTON moved that the second paragraph be amended, so that, in serving the notice, the person injured "deliver the same to the person on whom it is to be served, or at his residence or place of business."

Amendment proposed, in line 7, after the word "to," to insert the words, "the person on whom it is to be served."  
—(Mr. Sexton.)

Question proposed, "That these words be there inserted."

COLONEL MAKINS said, a comma would make the paragraph perfectly clear.

Mr. DODSON undertook to have a comma supplied when the Bill was reprinted.

Amendment, by leave, *withdrawn*.

Amendments made.

Amendment proposed,

At the end of the Clause, to add the words "A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading."—(Mr. Dodson.)

Question proposed, "That those words be there added."

Amendment proposed to the said proposed Amendment, to leave out the word "and," and insert the word "or,"—(Mr. Arthur Balfour,)—instead thereof.

Question proposed, "That the word 'and' stand part of the proposed Amendment."

Amendment to proposed Amendment, by leave, *withdrawn*.

Words *added*.

Mr. LABOUCHERE moved to amend the clause by adding the words—

"If the injured person or his representative can show that the employer knew of the injury apart from any notice, failure to serve a notice shall not be a bar to the recovery of compensation."

The addition of those words would not

prejudice the employer, as the *onus pro-bandi* rested upon the injured person or his representative to show that the employer knew the injury took place.

Amendment proposed,

At the end of the last Amendment, to add the words "if the injured person or his representative can show that the employer knew of the injury apart from any notice, failure to serve a notice shall not be a bar to recovering compensation."—(Mr. Labouchere.)

Question proposed, "That those words be there added."

Mr. LYULPH STANLEY supported the Amendment, as it could not in any way prejudice the employer, and it might so happen that in the case of a widow and children notice might be neglected through ignorance, and, consequently, a great hardship would be inflicted.

Mr. D. DAVIES hoped the Government would accede to the Amendment, as six weeks' notice was already too long a period.

Mr. COURTNEY thought the Amendment was scarcely relevant to the clause under discussion. It should be moved as a sub-section to Clause 4, as that clause dealt with the subject, whilst the present clause only dealt with the mode of serving the notice.

Mr. BRADLAUGH thought there was a great deal of force in the remarks of the hon. Member for Liskeard (Mr. Courtney); and he suggested that, in the case of death, there should not be any obligation to give notice at all, as it would often be impossible where the next-of-kin were only children, and from want of estate there was difficulty in getting legal personal representatives to act.

Mr. DODSON hoped the Amendment would not be pressed just then. It was obvious that there must always be, in the case of children, some representatives, in order to sue. However, he thought, with the hon. Member (Mr. Courtney) it was clear that this was not the proper place to introduce the Amendment, which would come better as a sub-section to the 4th clause. He thought there would be some difficulty in introducing it into the Bill; but he would give the matter his consideration.

Mr. LABOUCHERE said, in that case, he would, for the present, withdraw the Amendment, in order to bring it forward at a later stage.

And it being ten minutes before Seven of the clock, further Proceeding on Consideration, as amended, stood adjourned till *this day*.

It being now five minutes to Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

## ORDERS OF THE DAY.

### SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

### FEVER IN THE WEST OF IRELAND.

#### RESOLUTION.

MR. O'CONNOR POWER, in rising to call attention to the Reports of Dr. Nixon and Dr. Woodehouse, presented to the Irish Local Government Board, and to the Reports of Dr. Sigerson, Dr. Kenny, and Mr. J. A. Fox, presented to the Dublin Mansion House Relief Committee, on the condition of the fever-stricken districts of Mayo and other parts of the west of Ireland, and to move—

"That, in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, and other parts of the west of Ireland demands the serious and immediate attention of Her Majesty's Government; that effective sanitary arrangements should be carried out in those districts under the authority of the Local Government Board; that it is essential, with a view to preventing the spread of contagious disease, that a change of nutritious food should be given to all persons receiving relief under the Poor Law, or under the system substituted for the Poor Law in certain localities; and that a competent medical staff should be organized without delay, and distributed over those parts of the country visited by fever,"

said, that when he first gave Notice that he would call attention to the subject, the matter was undoubtedly one of pressing importance; and he still considered that it was of the gravest moment, though the nature of the disease in Mayo had since undergone so marked a change, owing to the action of the Local Government Board, that he should not have felt at liberty to call the attention of the House especially to that par-

ticular branch of the subject, were he not justified by many competent persons in the opinion that the present condition of the dwellings of the agricultural population in the West of Ireland was of a very dangerous character. The position of the people was very painful. They were next door to starvation in the first instance; and these Reports, to which he was about to direct attention, showed that they were also in imminent danger of death, in times of distress, because of the unsanitary condition of the miserable hovels in which they lived. Were it not for the fact that attention had been directed to the condition of the districts in question, and the prompt action taken, there might have been witnessed during the last month or six weeks a repetition of the Famine scenes of 1846 and 1847, and at a time when the disease would have extended so far through the country that it would not have been in the power of the most scientific arrangements to overtake it, and ultimately overcome its ravages. He was strengthened in his desire to direct the notice of the House to these Reports, because he had discovered that very few English Members of the House had had their attention drawn to them. He regretted that circumstance very much; and he was also sorry that it was not in his power, nor, he believed, in the power of anyone during the recent discussion which took place in the House in reference to the condition of the people of Ireland, to call attention to these Reports. Certainly, if these statements had been laid on the Table of the House in time to be made use of during the debates on the Compensation for Disturbance (Ireland) Bill, they would have constituted, perhaps, the most powerful argument that could have been adduced in favour of that measure of legislation, or of a measure similar in character. These important facts had from some cause, which was to him unaccountable, escaped the attention of a considerable body of English Members. There might be something in the manner in which Irish questions were advocated to raise a prejudice against them; also against Irishmen and Ireland generally. He supposed the average English Member, when he got his Parliamentary Papers in the morning, said something like the sailor who picked up a bottle at sea, and who, on examining it, threw it into the water



round to the opinion that the doctrine of common employment must before long go altogether, and for that reason should support the Amendment, especially as it had the advantage of abolishing common employment in the trade in which it was supposed to be of greater force than in any other.

SIR GEORGE CAMPBELL said, that he was coming to the conclusion that the doctrine of common employment should go altogether; but, at the same time, they could not expect it should be carried out in the present Bill. If they were to have common employment at all, there were two limitations that might be introduced, one was the doctrine of superintendence, and the other was the doctrine several times mentioned in the House—namely, the doctrine of common employment in those cases in which, as a matter of fact, the workmen were working together. In order to make the clause workable, the words “against any railway company” should be left out, and the words “unless, as a matter of fact, they were working together” should be added at the end. Supposing the Amendment were agreed to, then he should move the Amendment he had suggested.

COLONEL MAKINS, speaking as one of their Representatives, thought that Railway Companies alone should not be made an experiment; but that what was proposed with regard to them in the direction of abolishing common employment should be applied to all employments throughout the country. That question should be considered as it affected the whole range of undertakings in the Kingdom.

MR. CRAIG: I sincerely hope that the Government will not accept this clause, nor yet that of the hon. Member for Bristol (Mr. Morley), when it comes to be moved, since they cannot see their way to do something more towards the abolition of the doctrine of common employment. There are two defects in the clause which has been moved. In the first place, I think it is not sufficiently extensive; and, in the next place, I think it is much too comprehensive. It ought to extend to all industries whatever, if it is adopted at all; and it ought not to comprehend every combination of circumstances or conditions of labour. I think, Sir, we have discussed this point at

sufficient length, and have become pretty well acquainted with the subject; but it is the fact that throughout all the discussions we have been talking rather about the particular phrase than the thing itself. We have heard a great deal about common employment. We have heard some very learned speeches from both sides of the Table; but I have not yet heard anything like a distinct definition of what common employment is. It would have tended very much to a correct decision and understanding of the subject if these hon. and learned Gentlemen had brought the mind of the House in contact with the thing itself, rather than with the phrase, which, I am afraid, has been to very many of us a meaningless expression. Now, I find that there is in Kerr's edition of *Blackstone's Commentaries* a figure of speech which conveys very definitely the meaning of common employment. The passage is not a long one, and it is this. He says that—

“The workman cannot, as a rule, recover damages from his master on account of any mere nonfeasance on his part, nor for the negligence of a fellow-workman in the course of his employment, for he is, as it were, rowing in the same boat with them, and he is supposed, on entering the service, to agree to incur any danger attaching to his position.”

Now, I think that figure of speech, “rowing in the same boat,” very correctly describes the thing denoted by the phrase “common employment.” There are two classes of danger under such circumstances. The one may arise from weather, or from causes over which nobody has any control; and the other may arise from the conduct of the individual with whom each is associated. But there is also an active principle connoted or implied, and I think it is very important to mark what that is, as by doing so I think we will at once discover the defect in this Amendment that has been proposed to which I have alluded—namely, that it is too comprehensive. If we just consider for a moment the figure of speech which I have quoted, we will see that it means a few persons all combined together, who are under the immediate inspection, and, to some extent, under the control of each other. That happens when a few men are working together, it may be three or four or half-a-dozen platelayers; or it may be three or four men working in a certain

stated that one absentee Irish Peer drew £30,000 a-year, with tenants living on Indian meal, the money to purchase which had been brought with some difficulty from the four quarters of the globe. Mr. Fox stated that but for the efforts of the Mansion House Committee, the Land League, and other charitable institutions, the people would have actually died from starvation before the absentee landlords would have taken notice of the condition of things. Mr. Fox was sent down by the Mansion House Committee to make a more minute inspection; and his Report gave a more extended picture of the misery, poverty, and wretchedness of the people, which it should be the duty of everyone responsible for Ireland to mitigate as far as was in their power. Mr. Fox found cases of so pressing a character that he was obliged to relieve them on the spot. The misery and wretchedness he saw were indescribable; and he expressed the opinion that, however abundant the harvest might be, it would be necessary to provide the people with public employment during the winter months to avoid the recurrence of the crisis next year. After describing scenes of great misery and wretchedness in the townland of Culmore, he added—

“In no Christian country in the world would so barbarous a spectacle be tolerated except in Ireland.”

This description depicted the condition of tens of thousands of the people of Ireland. The House would be interested in knowing how far the relief works, instituted by Government under the Act of last year, had coped with this state of things. Mr. Fox described them as wholly insufficient and unsatisfactory. He (Mr. O'Connor Power) had proposed to call attention to the reports of some other medical gentlemen; but the only point it was necessary to call attention to was that the absence of sufficient food of a nutritious character was the cause of the fever, rather than the sanitary arrangements of the district, although the cabins were generally described as dark, dirty, and smoky within, while a few feet from the door a dung-heap was usually to be found. Dr. Sigerson and Dr. Kenny said that whilst the sanitary arrangements were extremely bad, the main cause of the fever and the deaths that had resulted in Mayo from the fever was want

of sufficient nutritious food to keep body and soul together. He need not weary the House with any further quotations from those Reports; and when he came to the question of the remedies that were to be applied, he was obliged to admit that the terms of his Resolution were very narrow, although some might think they were very wide and general. He placed the Resolution on the Paper some time ago, because he wished to indicate a course of action that should be taken at once; and he adhered to that proposition, though he bore testimony to the promptitude with which the right hon. Gentleman the Chief Secretary for Ireland had sent down those official Inspectors, and the promptitude with which he authorized the local Guardians to carry out the administration of relief. He asked the House to say, in the first place, that there should be a change of food given to those requiring relief; and what he was interested in with regard to that was whether those directions, given by the Local Government Board, had been acted upon. In the second place, he asked the House to say that effective sanitary arrangements should be carried out in those districts under the authority of the Local Government Board. What he meant by that was, that they should put no faith in the independent action of the Boards of Guardians. He did not believe in leaving the Boards of Guardians to act upon their own motion with reference to the condition of the people, especially in respect to sanitary arrangements, for he believed there was existing in them a strong obstructive element, which, generally speaking, belonged to the aristocratic section in those bodies. The House would recollect, from statements made from time to time, that the Chief Secretary for Ireland had been obliged to supersede the Poor Law system to the extent of abolishing the Boards of Guardians in certain Unions, and that he had been obliged to govern the affairs of some Unions in the West of Ireland directly from the Local Government Board. He trusted the right hon. Gentleman would keep his eye on those gentlemen, and see that they did not, by a false economy, sacrifice the lives of thousands of the people who were committed to their charge. He, in the next place, asked the House to declare it to be its opinion that it was essential, with a view to preventing the spread of disease, that

a change of nutritious food should be given to all persons receiving relief under the Poor Law; and, lastly, he would suggest that a competent medical staff should be organized without delay, and distributed over those parts of the country which had been visited by fever. The right hon. Gentleman might say that as the fever had been checked in its progress, it might not be necessary to appoint a special medical staff; but he ventured to submit it was necessary. The mere fact that they had been enabled to tide over the difficulties with which they had to deal for a time ought not, he contended, to lull the Government into a false security; for if the special medical officers who had been sent down to the districts in question were withdrawn, they might find that the population would relapse into the condition in which they had been found a short time ago. The Boards of Guardians were, in his opinion, greatly in fault in not having enforced the provisions of the Public Health Act; and special efforts ought, he thought, to be made to stimulate the action of the local sanitary authority. According to the Public Health Act, the responsibility rested on the Local Government Board; and he should like to know whether the Chief Secretary for Ireland was in a position to inform the House that the provisions of Section 8 of that Act had been carried out in those localities, or whether there had been any negligence on the part of those whose duty it was to foresee the evils to which he had called attention, and to take measures to prevent them? He put the question to the right hon. Gentleman, because it would occur to him, if fever arose through the absence of perfect sanitary arrangements, his first consideration would be to inquire whether the law had been carried out. Of course, from the descriptions which he had read, hon. Gentlemen might be disposed to think, if there was so much overcrowding in those cabins, the remedy lay in emigration. But the question had been debated over and over again in both Houses of Parliament, without the result of having any scheme proposed which would be acceptable to either House. But he wished to point out that emigration, as it was carried on at present, was no remedy for the evil, because the class of people who were

leaving Ireland consisted of the healthy and the strong; it was the wealth producers who went away, and the wealth consumers who remained. And until that state of things was changed, emigration would not, he felt satisfied, be found a remedy for the state of things which he had described. He ought not to omit to observe that the condition of the dwellings of the agricultural population in Ireland was largely to be attributed to the fact that while the rights of property were very rigidly enforced there many of its most sacred duties were neglected. What was the condition of the agricultural population in England? It would be impossible to find one single hamlet in England that would answer the description of the wretchedness he had given as existing in Ireland. In England the agricultural population were better off, because the landlords not only built dwellings, but the out-houses also; the tenant had everything ready to his hand. He ran no risk whatever in matters of this kind; but, except in very rare cases, the landlords in Ireland did nothing for the improvement of the people. Of course, he knew there were improving landlords, and all honour to them for not allowing themselves to be influenced by the evil example of so many around them. In the majority of cases, however, the fruits of the tenants' labours were not left with them, and they had not the means of rising by their own unaided exertions out of their difficulties. He would not conceal from the House that until the agricultural population of Ireland was freed, and able to enjoy a larger margin of the fruits of their own industry, they could not expect that condition of things to be altered. He trusted that some of his hon. Colleagues, who had more personal experience of the administration of the Poor Law, and, consequently, a better knowledge of the scientific remedies that might be applied, would save him from the necessity of suggesting more specific remedies. In conclusion, he thanked the House for the patience with which they had listened to him, and begged to move the Resolution standing in his name.

MR. SEXTON, in seconding the Motion, said, it was one which, in a special manner, called upon him to speak in its behalf, representing, as he did, one of the two counties named within its terms,

a county which had suffered most of all from want, and from the epidemic which had been the direct and immediate consequence of that want. He would, therefore, content himself with mentioning a few facts in relation to the county with which he was connected. The fulness of the speech of the hon. Member for Mayo (Mr. O'Connor Power), and the aptitude of the quotations he had made from the Blue Books, rendered it unnecessary for him (Mr. Sexton) to trespass for any great length of time upon the patience of the House; but he would briefly refer to the Union of Dromore West, where the epidemic had broken out in two parishes. The Report of Dr. Stewart Woodhouse showed that the domestic life of the people was miserable in the extreme; that the houses were not proof against the inclemency of the weather; and that the only distinction that could be drawn with regard to food was between those who had Indian meal and a little milk and those who had Indian meal and no milk. Meat was a luxury unknown among the poor people of whom he spoke, and the conclusion arrived at in that Report was that the existence of the fever epidemic in their midst arose chiefly from the fact that they had been long confined to the use of Indian meal. Dr. Woodhouse's recommendations, which were despatched with commendable promptitude to the Local Government Board, were that the usual rations of Indian meal should be changed for some more nutritious food; yet, in spite of this, the Guardians, so far as he could ascertain, had done nothing to remedy the present deplorable state of things. The right hon. Gentleman the Chief Secretary for Ireland had, he (Mr. Sexton) believed, done what he could in this matter; and he gladly took that opportunity of bearing testimony to the sincere and manly concern which had been exhibited by the right hon. Gentleman in the existing unfortunate condition of the people of Ireland. However, he had since learned that the Guardians had not done anything. Another case had occurred in the Union of Ballina, which was partly in Mayo and partly in his own county. About three weeks ago the resident Catholic minister (Father M'Nulty) happened to visit the board-room of the Guardians, and was amazed to find, in the course of the discussion,

that the Guardians were ignorant of the existence of typhus fever in the Union, though at the time there were 30 cases within its boundaries. That case also was brought under the notice of the right hon. Gentleman, with the result that the Guardians declared that they were aware of the existence of the fever; but it was simple fever, and not famine fever. He, however, was there to persist in his original statement as to the nature of the disease. The truth was that the Poor Law Guardians in the West of Ireland were not to be trusted to face the emergencies of the present crisis; and he, therefore, respectfully urged upon the House and upon the Chief Secretary for Ireland the duty of taking steps immediately to see that a different system of relief be brought to the doors of the suffering people. The cases to which he had referred in the county of Sligo might be paralleled in other counties in the West, and were exceeded in some. His hon. Friend (Mr. O'Connor Power) had referred to the obstructive tactics that prevailed in many board-rooms. Well, the fact was that a large section of the Boards cared little for the public interests or the demands of humanity, and were ruled in their conduct by motives of what he would call a base economy. Of the changes that should be effected, he placed in the foreground that of nutritious food. Though the sanitary condition of the homes of the people was a matter which should command the attention of any statesman, it was not so important and pressing a question as that of the supply of good food. It was all the more necessary that such food should be provided, because, though the outbreak of fever had been to a great extent mastered, great danger might be apprehended from the people being driven by hunger to eat unripe potatoes during the incoming harvest. It was also urgently necessary that a competent medical staff should be organized. In some places the people had to traverse a distance of 40 miles in order to obtain the services of a doctor. He suggested that if the question of expense was one of great importance, the services of the veterinary surgeons might for a time be dispensed with, in order to procure funds for the remuneration of medical men who should help the people in their need. The prospect before Ireland was a black

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. HUSSEY VIVIAN regretted that he had not been in the House when this question of insurance was brought on in Committee. There was no question more deserving of the careful consideration of the House than this one, even apart from the Bill under consideration. No employer would be able to carry on any business of a dangerous character without fully insuring himself against the operation of this Act. So far from this measure conducing to the safety of the workmen, inasmuch as the employer would be compelled to insure, he would, by getting rid of all pecuniary liability, naturally grow more careless as to the manner in which his business was carried on. In some cases an accident might be absolute ruin, and the result would be that capitalists would not engage in industries in which there was any danger; but if a system of insurance were adopted they would invest their capital freely, industry would be promoted, every accident of every kind would be provided for, and there would be an entire absence of litigation. It then became a question as to which of the two kinds of insurance should be agreed upon—insurance to provide for all accidents, or insurance against the liability of employers under this Bill. The employers had come forward and offered to contribute very largely towards a general insurance fund to cover all accidents, not only those for which they would be liable under the Bill, but for accidents of all kinds. The money they would pay would be just three times as much under the proposition they had made, as it would be under the liability imposed upon them by the Bill, as it was stated that only one-tenth of the accidents that occur would come within the scope of the Bill, owing to the negligence of an agent. That offer showed that the employers were anxious to deal generously with the workmen. He was not arguing against the general provisions of the Bill; but, in the interests of the workmen themselves, he advocated most strongly either the adoption of the noble Lord's clause, or some analogous clause. If the matter were once in the hands of public Insurance Companies, whose interest would

be identical with the master, and adverse to the insured workman, it was certain that they would litigate every question, and the result would be that the workman would get less than if he trusted to the liberality of his employer. For a small annual sum an employer would be able to rid himself of all responsibility; and in some cases, no doubt, negligence on the part of employers would ensue. Therefore, there could be no argument with regard to increased safety to be caused by this Bill. The question was to provide for these terrible accidents that were constantly occurring, and he entreated the Government to take this opportunity of allowing provision to be made for those who were injured whilst at work, or for the relatives in the event of death. There was nothing objectionable in the clause, and an employer would not have the advantage of it unless he subscribed one-third of the fund. He hoped this opportunity of passing so beneficial a clause would not be missed, because, if it was, he was afraid it would never return again. He had heard no reason why the clause should not be adopted. A most influential deputation to the Prime Minister had unanimously expressed themselves in favour of the principle it embodied, and it was desired by all the great employers of labour throughout the country. It proposed an optional and not a compulsory system, and the result would be that all questions could be dealt with as they arose.

MR. CRAIG: The noble Lord the Member for Woodstock (Lord Randolph Churchill) has stated his case so clearly and so fully, and it has been so elaborated by the hon. Member for Glamorganshire (Mr. Hussey Vivian), that there remains very little to be said by me or anyone else. I shall just refer, in the first place, to my estimate of the cost of compensation. At the commencement of the debate on the second reading, I stated that it would be about  $\frac{1}{2}$ d. per ton for compensation, as provided in the Bill. It might be  $\frac{1}{4}$ d. per ton to compensate for all accidents whatever. At the same time I stated that, without insurance, it would be almost impossible for any mineowner to maintain the position in which this Bill would place him. I stated that, having a perfect knowledge of the industry, having been a colliery manager for nearly a quarter

perous years. Yet two-thirds of the Reports described the labouring classes as discontented, even while wages had almost reached their maximum. Among the cottier class this was due largely to the wretched state of the houses, and the difficulty of obtaining house accommodation; but, bad as the condition of the people was, they were infinitely better off than the poor labourers crowded in the lanes and alleys of the towns and villages. Ever since 1847, it had been the object of many landlords to discourage in every way the erection and the retention of labourers' dwellings on their farms. This desire arose from the same cause that it once arose from in England; and it was obviated in England, as it must be in Ireland, by Union rating. Experience of this crisis would show the necessity for a more liberal administration of out-door relief. He considered that the two most important reforms the Chief Secretary could promote were Union rating and an extended system of out-door relief.

MR. O'DONNELL said, he would warmly support the suggestions just made by the hon. and gallant Member for Cork County (Colonel Colthurst). The first opportunity must be taken to reform the administration of the Poor Law. It was necessary to improve the manner of electing the Guardians, for the present plan was by no means popular, and the Guardians elected were not fairly representative of the people of a locality. Election by voting papers led to Guardians being elected at the will and wish of certain dominant authorities and influences; Guardians were returned mainly as the nominees of local magnates. It would also be well that the ministers of religious denominations should be elected Guardians, for their presence would often have a most beneficial effect. In ordinary matters of business they would have no more influence than other Guardians; but, at times of great emergency, the grudging parsimony of other members would be held in check by the strong humanitarian representations of the pastors of perishing flocks. He would also suggest that a little more use could be made of the Constabulary as a means of placing accurate information in the hands of the central authorities. While it was hoped that before long Ireland might have a good system of local self-government, at present, in the distressed

districts, a benevolent despotism was necessary, and constant supervision and pressure were necessary to meet emergencies and crises.

MR. LITTON congratulated the House on the manner in which its attention had been directed to this painful subject. While agreeing in some respects with the terms of the Resolution, he could not concur in anything like a general condemnation of Boards of Guardians. In many parts the business was attended to chiefly by the elected Guardians, consisting mainly of shopkeepers and tradesmen; and where the *ex-officio* Guardians were non-resident the whole management fell into the hands of the elected Guardians. It was a vice of the system of election that votes were multiplied with property, and it would be better if Guardians were elected by a majority of single votes. He was a member of a Board of Guardians, and he was bound to say that he had never found among them the slightest indisposition to extend the benefits of the Poor Law system wherever they believed it was urgently necessary. As regarded out-door relief, he had found that there was no hesitation in granting it. The duty of Boards of Guardians was, doubtless, to give out-door relief; but it also behoved them to see that it did not become a system of fraud, as it was well known that there was a strong tendency on the part of some persons to obtain out-door relief for their families, rather than submit to the workhouse test. He thought the Boards of Guardians ought, in many cases, to have relaxed that test; but the principle was a true one, and the House would agree with him that indiscriminate relief in money would be fraught with the greatest danger to the country, as he had known cases where out-door money relief had been given, the recipients of which had spent it at once in the public-house. But out-door relief in kind, such as tea, sugar, meat, and other articles of domestic consumption, has been found a much wiser and better method of administering relief than any system of giving away money. However, the question before the House was not so much as to out-door relief as the question whether the Boards of Guardians, on the whole, had done their duty. He thought they had. It might be that in the West of Ireland, where the Unions were of wide extent, there had been

ber for Glamorganshire (Mr. Hussey Vivian) with great satisfaction, because it was agreeable to hear the hon. Gentleman say, after all the gloomy prognostications of ruin to employers which had been indulged in, that only one-tenth of the accidents that might occur would come under this Bill, and that the masters would be able to insure themselves against loss for a very small sum. The first proposition made when the Bill was brought forward was, that there should be compulsory insurance. That, however, was dropped as the Bill went on, and certainly the Government could not have introduced in this Bill so complicated and novel a matter as that. As regards voluntary insurance, that question still remained, and he must say his mind was not affected by any argument that had been used. Why did they want to have that system? A policy of insurance could be effected at any moment. If it were just—and the House by reading the Bill a second time, and the Committee by passing it through Committee, had said so—that the employer should be held liable for the negligence of those to whom he deputed his authority, why were they to insert a clause to contradict that, by saying that he should be relieved of such liability by contributing one-third or one-half to a compensation fund to which the workman himself contributed the rest? Then they were told that unless they inserted an insurance of that kind policies of insurance would be discouraged. Well, there was no reason for anything of that kind. Let him remind the House that the employer had always been liable not to a limited extent, but to the full extent, for an injury caused by his own negligence. Why, then, was insurance to be checked or discouraged, or put an end to, because the liability of the employer was now to be extended to responsibility for those whom he intrusted with authority as an employer? They had been told by the noble Lord (Lord Randolph Churchill) that the workman was a reckless person, and that they would make him more reckless and less careful, if he knew that, should an accident happen, the employer would be obliged to give him compensation. But, in the first place, if an accident happened to the workman through any want of care on the part of the workman himself, the employer would not

*Mr. Dodson*

be liable. And again, if the knowledge on the part of the workman that he could recover compensation from the employers under the Bill had a tendency to make the workman reckless, insurance would have exactly the same effect. He saw nothing in the argument that had been adduced in favour of the insertion of the clause. He thought it had not been sufficiently considered by those who proposed it, and he hoped the House would now be allowed to divide.

Mr. NEWDEGATE believed that if the clause proposed by his noble Friend (Lord Randolph Churchill) were adopted the effect would be that the men would be more careful. Then men would look after the employers and the insurers would look after the men, the result being that there would be a security provided against neglect and improvidence. The Bill had been intended, no doubt, to insure care; but it would insure, on the contrary, neglect. He did not think the right hon. Gentleman (Mr. Dodson) understood the interest or the affairs of mining.

Mr. COURTNEY supported the proposition of the noble Lord. The discussion on the Bill had brought out the principle on which it was founded, and that principle was this—"A workman has suffered; who can we make responsible? The employer is rich; we should make him responsible." The Bill was nothing more nor less than that. It reminded him of a suit by a tailor against one of his debtors. The debtor pleaded he had no means. The tailor said, "He has got a rich aunt," whereupon the Judge said, "I make an order upon the aunt." There were many cases where the accidents did not result any more from the negligence of the employer than from the negligence of the injured; but the employer being rich, they were to make him responsible. He held, on the contrary, that the object of the Bill ought to be to limit as far as possible accidents by making all persons careful, and in order to make them careful the responsibility should be placed as far as possible upon all. On that ground he supported the clause.

Question put.

The House divided:—Ayes 52; Noes 146: Majority 94.—(Div. List, No. 114.)

perous years. Yet two-thirds of the Reports described the labouring classes as discontented, even while wages had almost reached their maximum. Among the cottier class this was due largely to the wretched state of the houses, and the difficulty of obtaining house accommodation; but, bad as the condition of the people was, they were infinitely better off than the poor labourers crowded in the lanes and alleys of the towns and villages. Ever since 1847, it had been the object of many landlords to discourage in every way the erection and the retention of labourers' dwellings on their farms. This desire arose from the same cause that it once arose from in England; and it was obviated in England, as it must be in Ireland, by Union rating. Experience of this crisis would show the necessity for a more liberal administration of out-door relief. He considered that the two most important reforms the Chief Secretary could promote were Union rating and an extended system of out-door relief.

MR. O'DONNELL said, he would warmly support the suggestions just made by the hon. and gallant Member for Cork County (Colonel Colthurst). The first opportunity must be taken to reform the administration of the Poor Law. It was necessary to improve the manner of electing the Guardians, for the present plan was by no means popular, and the Guardians elected were not fairly representative of the people of a locality. Election by voting papers led to Guardians being elected at the will and wish of certain dominant authorities and influences; Guardians were returned mainly as the nominees of local magnates. It would also be well that the ministers of religious denominations should be elected Guardians, for their presence would often have a most beneficial effect. In ordinary matters of business they would have no more influence than other Guardians; but, at times of great emergency, the grudging parsimony of other members would be held in check by the strong humanitarian representations of the pastors of perishing flocks. He would also suggest that a little more use could be made of the Constabulary as a means of placing accurate information in the hands of the central authorities. While it was hoped that before long Ireland might have a good system of local self-government, at present, in the distressed

districts, a benevolent despotism was necessary, and constant supervision and pressure were necessary to meet emergencies and crises.

MR. LITTON congratulated the House on the manner in which its attention had been directed to this painful subject. While agreeing in some respects with the terms of the Resolution, he could not concur in anything like a general condemnation of Boards of Guardians. In many parts the business was attended to chiefly by the elected Guardians, consisting mainly of shopkeepers and tradesmen; and where the *ex-officio* Guardians were non-resident the whole management fell into the hands of the elected Guardians. It was a vice of the system of election that votes were multiplied with property, and it would be better if Guardians were elected by a majority of single votes. He was a member of a Board of Guardians, and he was bound to say that he had never found among them the slightest indisposition to extend the benefits of the Poor Law system wherever they believed it was urgently necessary. As regarded out-door relief, he had found that there was no hesitation in granting it. The duty of Boards of Guardians was, doubtless, to give out-door relief; but it also behoved them to see that it did not become a system of fraud, as it was well known that there was a strong tendency on the part of some persons to obtain out-door relief for their families, rather than submit to the workhouse test. He thought the Boards of Guardians ought, in many cases, to have relaxed that test; but the principle was a true one, and the House would agree with him that indiscriminate relief in money would be fraught with the greatest danger to the country, as he had known cases where out-door money relief had been given, the recipients of which had spent it at once in the public-house. But out-door relief in kind, such as tea, sugar, meat, and other articles of domestic consumption, has been found a much wiser and better method of administering relief than any system of giving away money. However, the question before the House was not so much as to out-door relief as the question whether the Boards of Guardians, on the whole, had done their duty. He thought they had. It might be that in the West of Ireland, where the Unions were of wide extent, there had been



again, with the exclamation, "Tracts, bedad!" or some expression of the kind. English Members doubtless said—"Oh, I cannot bother myself about these Irish questions and Irish grievances, which seem to be interminable." Under those circumstances, he was strongly disposed to quote to the House some extracts from the Reports of the medical men whose names appeared in his Notice. They showed how terrible was the condition of the agricultural population in Ireland—and it was the normal condition of that population; and, after having given these extracts, he would leave the House to form an opinion of the social condition of people reduced to such terrible straits. The first document to which he wished to direct attention was a Report sent from Swineford, in Mayo, by Dr. Nixon, who gave an account of his visit to a village in the neighbourhood. The population of the place, consisting of 46 families, comprising some 140 persons, were crowded into cabins of the most miserable kind, from which such animals as they possessed were not excluded. The hovels themselves were without drains or other sanitary arrangements. No road ran through the village. The food of the people was almost wholly Indian meal. In a hamlet such as Dr. Nixon describes, disease was natural and inevitable; and cases were mentioned in which, while two or more members of a family sickened, no precautions were taken against the spread of the fever. In another place on the mountain side he found a family living in dirt with eight inches of manure on the floor, and where the woman of the house explained that she could not clean it out, because there was no manure heap. In one cabin, in another part of the district, there were found three cows, a number of chickens, three cats, and a large dog. Dr. Woodehouse's Reports described other parts of this section of the county of Mayo which he visited, and the description was nearly the same as Dr. Nixon's in all its essential features. Dr. Woodehouse spent a considerable time in Swineford, and he described the sanitary condition of the place as being extremely bad. In many of the small cabins there were no sanitary arrangements whatever. The cabins were greatly overcrowded, and in many cases a family of eight or ten resided in a single-roomed hut. If typhus fever were to visit Swine-

ford, it would find there, in Dr. Woodehouse's opinion, the most favourable conditions for its support. Another reason why he was particularly anxious to fix the attention of the House on these Reports was, that they testified to a condition of things in Ireland with which those who knew the country were previously well acquainted. He had himself stated, some time ago, that there were 94,000 one-roomed huts in Ireland, holding on an average a family of six persons in each. The House would probably be disposed to place most reliance upon official documents; but the value of independent testimony could not be gainsaid when it went to confirm the official Reports. Now, it happened that the accounts of Mr. J. A. Fox, Dr. Sigerson, and Dr. Kenny, who visited the West of Ireland on behalf of the Mansion House Committee, confirmed the official Reports. Mr. Fox, among other observations dealing with the matter, said that, although theoretically the Poor Law system was supposed to provide for such an emergency, practically the poor fever-stricken peasants, who could not be removed to the workhouse, were permitted to die in their wretched hovels without mercy or attendance. In many instances men, women, and children slept under a roof, and within walls which were dripping with wet, while the floor was saturated with damp. Dr. Fox's Report was founded on the information he received from all classes of the population; and he gave the names, the dates, and the places referred to. A great deal had been said of the excesses to which the Irish agricultural population were supposed to resort in circumstances similar to those which now afflicted them; but the account given by Mr. Fox of the patient submission of the population of Mayo under their present difficulties would not at all bear out the character of the Irish people given in the English Press. Dr. Fox remarked—

"In spite of the desperate condition of things, the police inform me that there was no crime, small or great, in the district."

After referring to the efforts made by various residents to relieve this distress, Mr. Fox attributes a good deal of the want of proper habits on the part of the poorest of the population to the absentee aristocracy. After acknowledging the efforts of some resident landlords, he

shire Cotton Famine. That gentleman had also contrasted the English and the Irish systems of Poor Law relief, and had found that the percentage of persons receiving out-door relief was much lower in Ireland than in England. The writer had further shown that the defects of the Irish system were more or less responsible for the present deplorable state of things, and had furnished the hon. Gentleman the Member for Cork City (Mr. Parnell) with one of his chief arguments. It was clear, therefore, that if the laws of the two countries were to be assimilated the process ought first to be applied to the Poor Law. In his (Mr. Dawson's) opinion, another fault was observable in the mode of electing the Irish Boards of Guardians. Some of the representatives were nominated by the magistrates; while the *ex-officio* members were too often Guardians of the rates rather than of the poor. Then, again, he was altogether disposed to combat the assertion of the hon. Member opposite (Mr. Litton) that the relief afforded was copious and sufficient. He knew of cases in which such sums as 2s. 6d. were given weekly for the support of seven persons; and Mr. Tuke had stated, in his pamphlet, that in many Unions no out-door relief was afforded, and that in others some of the families received no more than 1d. a-day for their support. His hon. Friend (Mr. O'Connor Power) had, he feared, drawn an accurate and unexaggerated picture of the dwellings of the people; but he could not agree with him that such dwellings had no parallel in the agricultural districts of England. The Eastern and Southern Counties of England were filled with dwellings overcrowded and destitute of the appliances necessary for decency or comfort. Mr. Tuke relates in his pamphlet an anecdote which shows what scant encouragement Irish tenants get to improve their dwellings. He tells how the late Lord Leitrim, passing through his estate, saw a new well-built house. Having inquired who built it without his consent, and hearing it was a tenant who had removed from a wretched hovel, Lord Leitrim ordered it to be razed to the ground, and told the tenant to go back to his home. Could it be wondered at that, under such circumstances, Irish tenants were still badly housed, and that the deplorable consequences of

scarcity and illness depicted by the hon. Member for Mayo were thereby intensified?

MR. W. E. FORSTER said, he would at once admit that the debate had been a very useful one, although upon a very sorrowful subject; and he felt that, in the course of it, many suggestions had been made to him from which he hoped to derive some real advantage; but he must remind the hon. Gentlemen who made those suggestions that, after all, no Chief Secretary for Ireland could do everything, and that, indeed, no one man could do very much, even if he were much more gifted by nature than he (Mr. W. E. Forster) himself was. In order really to mend the existing state of things, it would be necessary that many, and, in fact, almost everyone, should do their duty in proportion to their means. The hon. Member for Mayo (Mr. O'Connor Power) made a most interesting and most moderate statement. He (Mr. W. E. Forster) did not know that he could feel, as the hon. Member went through that statement, that it was overcharged in any respect. What he felt as he heard the statement, and what he had felt in reading the documents which the hon. Gentleman had not at all unfairly quoted, was some sort of melancholy satisfaction that out of the calamity of the distress of this year there might arise this good result—that a very strong light was thrown on the condition of the people in some parts of Ireland. They were told sometimes that, after all, this question was greatly exaggerated; and he might repeat, what he had often said before, that there had been much exaggeration of the distress. When there was a great calamity it always was exaggerated in some respects; but it did not follow that there were not many cases in which the distress was not exaggerated, but was quite as bad, if not worse, than it was represented. It was no comfort to be told that money was saved in some parts of Ireland, when they heard of distress in other parts of the country. He might as well, if he were a poor man, take comfort to himself on being told that his neighbour was rich. Really, the two things had not very much to do with one another. What a very strong lesson to everyone who had property in Ireland, and also to Parliament, was contained in what had been rightly

a change of nutritious food should be given to all persons receiving relief under the Poor Law; and, lastly, he would suggest that a competent medical staff should be organized without delay, and distributed over those parts of the country which had been visited by fever. The right hon. Gentleman might say that as the fever had been checked in its progress, it might not be necessary to appoint a special medical staff; but he ventured to submit it was necessary. The mere fact that they had been enabled to tide over the difficulties with which they had to deal for a time ought not, he contended, to lull the Government into a false security; for if the special medical officers who had been sent down to the districts in question were withdrawn, they might find that the population would relapse into the condition in which they had been found a short time ago. The Boards of Guardians were, in his opinion, greatly in fault in not having enforced the provisions of the Public Health Act; and special efforts ought, he thought, to be made to stimulate the action of the local sanitary authority. According to the Public Health Act, the responsibility rested on the Local Government Board; and he should like to know whether the Chief Secretary for Ireland was in a position to inform the House that the provisions of Section 8 of that Act had been carried out in those localities, or whether there had been any negligence on the part of those whose duty it was to foresee the evils to which he had called attention, and to take measures to prevent them? He put the question to the right hon. Gentleman, because it would occur to him, if fever arose through the absence of perfect sanitary arrangements, his first consideration would be to inquire whether the law had been carried out. Of course, from the descriptions which he had read, hon. Gentlemen might be disposed to think, if there was so much overcrowding in those cabins, the remedy lay in emigration. But the question had been debated over and over again in both Houses of Parliament, without the result of having any scheme proposed which would be acceptable to either House. But he wished to point out that emigration, as it was carried on at present, was no remedy for the evil, because the class of people who were

leaving Ireland consisted of the healthy and the strong; it was the wealth producers who went away, and the wealth consumers who remained. And until that state of things was changed, emigration would not, he felt satisfied, be found a remedy for the state of things which he had described. He ought not to omit to observe that the condition of the dwellings of the agricultural population in Ireland was largely to be attributed to the fact that while the rights of property were very rigidly enforced there many of its most sacred duties were neglected. What was the condition of the agricultural population in England? It would be impossible to find one single hamlet in England that would answer the description of the wretchedness he had given as existing in Ireland. In England the agricultural population were better off, because the landlords not only built dwellings, but the out-houses also; the tenant had everything ready to his hand. He ran no risk whatever in matters of this kind; but, except in very rare cases, the landlords in Ireland did nothing for the improvement of the people. Of course, he knew there were improving landlords, and all honour to them for not allowing themselves to be influenced by the evil example of so many around them. In the majority of cases, however, the fruits of the tenants' labours were not left with them, and they had not the means of rising by their own unaided exertions out of their difficulties. He would not conceal from the House that until the agricultural population of Ireland was freed, and able to enjoy a larger margin of the fruits of their own industry, they could not expect that condition of things to be altered. He trusted that some of his hon. Colleagues, who had more personal experience of the administration of the Poor Law, and, consequently, a better knowledge of the scientific remedies that might be applied, would save him from the necessity of suggesting more specific remedies. In conclusion, he thanked the House for the patience with which they had listened to him, and begged to move the Resolution standing in his name.

MR. SEXTON, in seconding the Motion, said, it was one which, in a special manner, called upon him to speak in its behalf, representing, as he did, one of the two counties named within its terms,

shire Cotton Famine. That gentleman had also contrasted the English and the Irish systems of Poor Law relief, and had found that the percentage of persons receiving out-door relief was much lower in Ireland than in England. The writer had further shown that the defects of the Irish system were more or less responsible for the present deplorable state of things, and had furnished the hon. Gentleman the Member for Cork City (Mr. Parnell) with one of his chief arguments. It was clear, therefore, that if the laws of the two countries were to be assimilated the process ought first to be applied to the Poor Law. In his (Mr. Dawson's) opinion, another fault was observable in the mode of electing the Irish Boards of Guardians. Some of the representatives were nominated by the magistrates; while the *ex-officio* members were too often Guardians of the rates rather than of the poor. Then, again, he was altogether disposed to combat the assertion of the hon. Member opposite (Mr. Litton) that the relief afforded was copious and sufficient. He knew of cases in which such sums as 2s. 6d. were given weekly for the support of seven persons; and Mr. Tuke had stated, in his pamphlet, that in many Unions no out-door relief was afforded, and that in others some of the families received no more than 1d. a-day for their support. His hon. Friend (Mr. O'Connor Power) had, he feared, drawn an accurate and unexaggerated picture of the dwellings of the people; but he could not agree with him that such dwellings had no parallel in the agricultural districts of England. The Eastern and Southern Counties of England were filled with dwellings overcrowded and destitute of the appliances necessary for decency or comfort. Mr. Tuke relates in his pamphlet an anecdote which shows what scant encouragement Irish tenants get to improve their dwellings. He tells how the late Lord Leitrim, passing through his estate, saw a new well-built house. Having inquired who built it without his consent, and hearing it was a tenant who had removed from a wretched hovel, Lord Leitrim ordered it to be razed to the ground, and told the tenant to go back to his home. Could it be wondered at that, under such circumstances, Irish tenants were still badly housed, and that the deplorable consequences of

scarcity and illness depicted by the hon. Member for Mayo were thereby intensified?

MR. W. E. FORSTER said, he would at once admit that the debate had been a very useful one, although upon a very sorrowful subject; and he felt that, in the course of it, many suggestions had been made to him from which he hoped to derive some real advantage; but he must remind the hon. Gentlemen who made those suggestions that, after all, no Chief Secretary for Ireland could do everything, and that, indeed, no one man could do very much, even if he were much more gifted by nature than he (Mr. W. E. Forster) himself was. In order really to mend the existing state of things, it would be necessary that many, and, in fact, almost everyone, should do their duty in proportion to their means. The hon. Member for Mayo (Mr. O'Connor Power) made a most interesting and most moderate statement. He (Mr. W. E. Forster) did not know that he could feel, as the hon. Member went through that statement, that it was overcharged in any respect. What he felt as he heard the statement, and what he had felt in reading the documents which the hon. Gentleman had not at all unfairly quoted, was some sort of melancholy satisfaction that out of the calamity of the distress of this year there might arise this good result—that a very strong light was thrown on the condition of the people in some parts of Ireland. They were told sometimes that, after all, this question was greatly exaggerated; and he might repeat, what he had often said before, that there had been much exaggeration of the distress. When there was a great calamity it always was exaggerated in some respects; but it did not follow that there were not many cases in which the distress was not exaggerated, but was quite as bad, if not worse, than it was represented. It was no comfort to be told that money was saved in some parts of Ireland, when they heard of distress in other parts of the country. He might as well, if he were a poor man, take comfort to himself on being told that his neighbour was rich. Really, the two things had not very much to do with one another. What a very strong lesson to everyone who had property in Ireland, and also to Parliament, was contained in what had been rightly

and terrible one, and it was an awful situation for anyone born in Ireland and who had the good of the Irish people at heart to think what might be coming to that country. He was not unaware that that House had made energetic attempts to bring about an improvement in the condition of the people; but, unfortunately, their efforts had been balked and foiled in "another place." He hoped, however, that the House would not be discouraged or prevented from persevering by that unfortunate mischance, but that they would pursue their attempts at amelioration. In conclusion, he would say that, in his opinion, no wiser steps could be taken than those advocated in the Resolution of his hon. Friend.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, and other parts of the west of Ireland, demands the serious and immediate attention of Her Majesty's Government; that effective sanitary arrangements should be carried out in those districts under the authority of the Local Government Board; that it is essential, with a view to preventing the spread of contagious disease, that a change of nutritious food should be given to all persons receiving relief under the Poor Law, or under the system substituted for the Poor Law in certain localities, and that a competent medical staff should be organised without delay, and distributed over those parts of the country visited by fever,"—(*Mr. O'Connor Power*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL COLTHURST believed that it was an indisputable fact that the outbreak of fever in the West of Ireland had arisen mainly from the want of sufficient food, or rather, from the use of food of one quality only. He admitted that Boards of Guardians had been greatly to blame in connection with the issue of Indian meal as out-door relief; but he maintained that the late Government and Parliament must bear a large portion of the blame, for it was they who deprived the Boards of the power of giving relief in money. When the Relief of Distress (Ireland) Act was brought in, it was suggested that the same powers should be given to the Boards of Guardians in Ireland as

existed in England in the matter of distributing out-door relief in the shape of money; but the suggestion was opposed by the Government, and rejected by a large majority. The result was that Boards of Guardians were thus only bound to give relief in food and fuel, and it was almost a necessary consequence that the food given would be of the cheapest sort—namely, Indian meal. When they could keep a man on 8d. per day by feeding him with Indian meal it was not likely they would supply him with better food, which would cost, perhaps, 2s. It would be said that the Relief Committees also issued Indian meal; but their position, it should be remembered, was entirely different, for they were merely administering funds which had been intrusted to them by charitable individuals, and which were limited in amount. Turning to the sanitary condition of the dwellings of the people, he said that, as a rule, Irish Boards of Guardians took no interest in sanitary matters. There was scarcely a village in Ireland where there were not sanitary matters requiring attention. There was scarcely a country district in which there was not a superabundant supply of water, and yet it was often obtained with difficulty, because the Boards of Guardians neglected to provide pumps, as they also neglected drainage; and if the Local Government Board possessed such powers as had been referred to, it ought to put them into operation. Boards of Guardians would receive official communications and enter them as read, and would then take no further notice of them, unless pressure were brought to bear on them in some way. He was not accusing them of being inhuman or indifferent; but their conduct was the direct outcome of the system of administration and of the Poor Law, which seemed to be designed to give the smallest amount of relief it was possible to give. It was not fair to put the blame on the *ex-officio* Guardians; for they and the elected Guardians had but one idea, and that was to spare the rates. The *ex-officio* Guardians certainly belonged to another class, and ought to know their duty better. What the normal condition of the labouring classes was as regarded habitations was shown by the Reports of the Poor Law Inspectors for 1869, which was an exceptionally prosperous year, following other pro-

them all with anxiety, and they had to seriously consider the condition of the people, and how far it was possible for the law to interfere. He was not going into any sort of technical question, because he thought that the great merit of the debate had been a practical debate, without any allusion to what were matters upon which hon. Members felt a great difference of opinion. Take, however, the question of sanitary condition. He thought the hon. Member who spoke last (Mr. Dawson) said the Local Government Board in Ireland had not the compulsory bye-laws which had been issued in England. Well, he did not know whether public opinion in Ireland was in that state that they could have them. A Government could not go in those matters very greatly in advance of the public opinion of the districts. One of their great objects ought to be to stimulate the public opinion to act, but then there was the Central Government to consider; and though he was sometimes told that the government of Dublin was too centralized, he was very often reminded that there were many duties to be performed which could not be done except by a great central power. Take, as an illustration, that, to England, and to the civilized, cultivated Irish, very shocking thing of heaps of manure, in the West of Ireland, being at the doors of the houses. Still, he should not like to impose upon the Constabulary, in addition to all their other duties, the duty of sweeping away all those heaps of manure. Again, as to the animals found in the houses, the hon. Gentleman who moved the Motion had spoken of one cottage in which were three cows, a chicken, three cats, and a dog. Three cats and a dog would be found in his (Mr. W.E. Forster's) cottage; but he would not say that there would be found there a chicken and three cows. But the very fact of there being three cows showed that the man was not in the most abject condition. The reason why he adopted a bad standard of living was that that mode of life had gone on for generations. The Public Health Act could only be carried out by stimulating the people in the good work. It must not be supposed that any fresh arrangements of machinery would cure the matter. That state of things, which was to be deplored, could only be remedied by degrees, and by the

influence of the gentry and clergy of the neighbourhood, and also by the energy of the Central Government. The causes of the evils which the House had to lament were, he was afraid, more deep-seated than anything connected with the constitution of the Boards of Guardians; and although he disapproved the present mode of their election, he should be deceiving the House if he were to lead it to suppose he thought that an alteration in that respect would be productive of any great change in the sanitary condition of the country. A suggestion had, he might add, been made by the hon. and gallant Member for Cork County (Colonel Colthurst), which he should most carefully consider. He alluded to that which had reference to the question whether the area of rating in Ireland was not too small. There could be no doubt that one of the greatest reforms in England was the substitution of the Union for the parish for rating purposes. It did away with the system of close parishes, which was one of the greatest curses. One parish would contain the resident landlords, and in another the labourers who cultivated the farms would be all nestled together. This had been, to a great extent, removed. He should be surprised, however, to find that the hon. and gallant Gentleman was right in supposing that the electoral division could be fairly compared to the parish; for, generally speaking, it must, he thought, be much larger. Another suggestion had been made upon which he could not then give an opinion, with regard to the rule now in force of keeping off the Boards of Guardians ministers of different religious denominations. He was not sure whether the evils of sectarianism were not increased by these efforts to guard against them. He did not know that it would not be wiser to treat the ministers as any other gentlemen of the neighbourhood, with the hope that they would do their duty, as he believed they were all anxious to do. Remarks had been made in reference to the Boards of Guardians; and he thought he ought to state that, as regarded the experience of the last few weeks—he would not say that was an experience to warrant a decided opinion, although the circumstances had been very pressing, such as to bring out the difficulties and show the deficiencies—

failures of duty which all lamented; but it must not be forgotten that in many large Unions the people had been totally dependent on the relieving officer. Much, of course, depended on the relieving officer; but he never knew a Board of Guardians refuse to give relief where the case was recommended by the relieving officer. The number of relieving officers in a large Union, in time of distress, was very limited, and they were often well-nigh overpowered in the discharge of their duty. In his opinion, in order to remedy that, the Boards of Guardians ought to increase the number of relieving officers; and if they could not be indirectly persuaded to do so, Parliament ought to interfere and compel them. With regard to sanitary arrangements, everyone who was acquainted with the habits of Irish people, particularly the class who came within the description they had to deal with, must be aware, strange as it must appear to English minds, that they loved those dung-heaps outside their doors; by them they were enabled at harvest time to earn a few shillings. He did not believe that they were unhealthy, as they were mixed up with soil and clay, which had a deodorizing effect. He believed that disease was really caused by the insufficiency and sameness of the food supplied to the people. He was anxious to bear his testimony to the earnest and humane desire on the part of the great majority of Boards of Guardians to administer out-door relief where it was required honestly and without extravagance.

MR. BYRNE said, he should support the Motion of the hon. Member for Mayo (Mr. O'Connor Power). He thought the Poor Law Guardians in Ireland would have produced a better state of things had they been compelled, as in England, to appeal to the rate-payers annually for re-election. He instanced the Select Vestry of Liverpool as the model of a Board of Guardians. If all the Guardians in Ireland were elected by the people who paid the rates and by ballot, there would be a better state of things in that country. He hoped the Chief Secretary for Ireland would apply the same vigorous action to other Unions which he had applied to the Swineford Union, and that he would insist on a change of food being given to the people. It was injudicious to restrict the people to one description

of food. Eminent physicians said that even roast beef and turtle soup all the year round would be deleterious.

MAJOR NOLAN agreed with those who thought that there ought to be a change of food occasionally, and that an epidemic was likely where the people were confined to a diet of Indian meal. The Local Government Board might fairly insist on Boards of Guardians giving a change of food. There was a great deal of difference between living entirely on Indian meal and half on Indian meal and half on oatmeal. The Government ought next Session to bring in a Bill for electing the present elective Guardians by ballot; but he would not go so far as the hon. Member for Wexford (Mr. Byrne), and say that all the Guardians ought to be elected. He did not wish to see any very large increase in the number of sanitary officers throughout Ireland. Where there was an epidemic the Local Government Board ought to act quickly. They ought to have a staff at their disposal—five or six Dublin doctors would be sufficient—so as to be able to send three or four at once to places where their services might be required. The fact was Boards of Guardians were accustomed only to the ordinary working of the Poor Law, and were not suited for dealing with an emergency, for they took a month to wake up. The dispensary system had done some good; but the out-door visiting system had proved a failure, and the Chief Secretary for Ireland ought to see in what way a remedy might be provided. One remedy would be if medical men took a smaller fee than £1; if they did they would probably not be losers.

MR. DAWSON said, he had pleasure in adding his testimony to the appreciation which was felt in Ireland for the interest taken by the right hon. Gentleman the Chief Secretary for Ireland in Irish affairs. But he wished to point out that where there was any dissimilarity in the legislation for Ireland and England, it was always to the advantage of the latter country, and that was shown in no instance more signally than with regard to the Poor Laws. An eminent statistician, Dr. Hancock, had written an article on the subject, and had pointed out that, though the constitution of the Irish Board was very strong, no such machinery existed in Ireland as that which had successfully coped with the Lanca-

them all with anxiety, and they had to seriously consider the condition of the people, and how far it was possible for the law to interfere. He was not going into any sort of technical question, because he thought that the great merit of the debate had been a practical debate, without any allusion to what were matters upon which hon. Members felt a great difference of opinion. Take, however, the question of sanitary condition. He thought the hon. Member who spoke last (Mr. Dawson) said the Local Government Board in Ireland had not the compulsory bye-laws which had been issued in England. Well, he did not know whether public opinion in Ireland was in that state that they could have them. A Government could not go in those matters very greatly in advance of the public opinion of the districts. One of their great objects ought to be to stimulate the public opinion to act, but then there was the Central Government to consider; and though he was sometimes told that the government of Dublin was too centralized, he was very often reminded that there were many duties to be performed which could not be done except by a great central power. Take, as an illustration, that, to England, and to the civilized, cultivated Irish, very shocking thing of heaps of manure, in the West of Ireland, being at the doors of the houses. Still, he should not like to impose upon the Constabulary, in addition to all their other duties, the duty of sweeping away all those heaps of manure. Again, as to the animals found in the houses, the hon. Gentleman who moved the Motion had spoken of one cottage in which were three cows, a chicken, three cats, and a dog. Three cats and a dog would be found in his (Mr. W. E. Forster's) cottage; but he would not say that there would be found there a chicken and three cows. But the very fact of there being three cows showed that the man was not in the most abject condition. The reason why he adopted a bad standard of living was that that mode of life had gone on for generations. The Public Health Act could only be carried out by stimulating the people in the good work. It must not be supposed that any fresh arrangements of machinery would cure the matter. That state of things, which was to be deplored, could only be remedied by degrees, and by the

influence of the gentry and clergy of the neighbourhood, and also by the energy of the Central Government. The causes of the evils which the House had to lament were, he was afraid, more deep-seated than anything connected with the constitution of the Boards of Guardians; and although he disapproved the present mode of their election, he should be deceiving the House if he were to lead it to suppose he thought that an alteration in that respect would be productive of any great change in the sanitary condition of the country. A suggestion had, he might add, been made by the hon. and gallant Member for Cork County (Colonel Colthurst), which he should most carefully consider. He alluded to that which had reference to the question whether the area of rating in Ireland was not too small. There could be no doubt that one of the greatest reforms in England was the substitution of the Union for the parish for rating purposes. It did away with the system of close parishes, which was one of the greatest curses. One parish would contain the resident landlords, and in another the labourers who cultivated the farms would be all nestled together. This had been, to a great extent, removed. He should be surprised, however, to find that the hon. and gallant Gentleman was right in supposing that the electoral division could be fairly compared to the parish; for, generally speaking, it must, he thought, be much larger. Another suggestion had been made upon which he could not then give an opinion, with regard to the rule now in force of keeping off the Boards of Guardians ministers of different religious denominations. He was not sure whether the evils of sectarianism were not increased by these efforts to guard against them. He did not know that it would not be wiser to treat the ministers as any other gentlemen of the neighbourhood, with the hope that they would do their duty, as he believed they were all anxious to do. Remarks had been made in reference to the Boards of Guardians; and he thought he ought to state that, as regarded the experience of the last few weeks—he would not say that was an experience to warrant a decided opinion, although the circumstances had been very pressing, such as to bring out the difficulties and show the deficiencies—



called the normal condition of the labourers and of many of the small tenantry in many parts of Ireland. Probably, this part of Mayo was about the worst. He hoped it was, although there were parts of Galway which would contend with it; but he had reason to trust and believe that this very bad state of things was worse in Mayo and immediately around than it was in other parts. He thought they might take this amount of comfort from the state of things which existed in Ireland for years before the Famine. There were then, he believed, many parts of Ireland which were quite as bad as, if not worse than, these districts of Mayo were now. So there had been progress. The pamphlet of his friend, Mr. Tuke, acknowledged that there had been considerable progress, and this was confirmed by what little personal observation he had himself been able to give. But, while making that statement, they did not for a moment suppose it released them from the duty of trying to mend matters; and still it gave them a hope that, as there had been progress, there might be still greater progress. To come to the actual position of things. On account of the distress and scarcity of this year, no doubt there had been, to some extent, a fever consequent on that distress. There were many cases in which it appeared that the fever almost sprang from those who were better to do than the others, and that the first beginning of the fever could not be traced to those who were the most distressed. Still, there appeared to be a universal agreement that what the doctors called the predisposing cause—and it was a very instructive and illustrative word—to its increase was not really an absolute want of food, but rather want of sufficient strengthening food and the monotony of one particular kind of food. He thought there seemed to be a general testimony to that effect. Then the sanitary arrangements were, no doubt, another very predisposing cause. In fact, it was very difficult to read these Reports, and not rise from their perusal with the greatest possible surprise that if the fever once got into those districts it should not spread much more than it had done. He could only account for its not having spread more, on the ground that the poor people had been acclimatized to this low

style of living, and these low conditions of household accommodation, and that they had been, from the teaching of generations, able to stand what would have carried off many others. He now came to the question of what was to be done. He hoped the hon. Member for Mayo would acknowledge that they had got over the immediate pressing, stringent emergency of the crisis. The harvest was beginning, and there were hopes that it would be plentiful. The difficulties the Government had to contend with, in fact, were not nearly so great as they were a few weeks ago. To a very considerable extent, he must say—for he did not like to take credit to himself—the practical recommendations of the hon. Member had already been carried out by the Local Government Board. He believed that changes had been made in the food whenever there was any real danger of fever, and the Local Government Board had done their best to organize a medical staff by sending down assistants from Dublin, and by making the best use they could of the doctors and surgeons in the district, and also by obtaining, as far as possible, a supply of nurses. Dr. Woodehouse's Report said that, where necessary, oatmeal was given, with certain proportions of Indian meal, and that orders were issued for condensed milk and beef-tea. Whether it was owing to those efforts or not he could not say; but the accounts which the Government had received of fever had been very much better in every district, and the Local Government Board had done the best they could under the circumstances. Now came the question of how to prevent a recurrence of such outbreaks of fever. He most sincerely and earnestly trusted that they might not have a recurrence of the distress next winter; but, if they had, he should not run away from his post. It would be about the most sorrowful post, he thought, that any man could possibly have; but they had gained a great deal of information from the experience of this present year, which would enable them to grapple better with the difficulties of distress than they had done in the past; but, independently of that, he really did trust and believe that they would not have any special distress to meet in the coming winter. Still, they had a large population in a state in which one or two bad crops would fill

them all with anxiety, and they had to seriously consider the condition of the people, and how far it was possible for the law to interfere. He was not going into any sort of technical question, because he thought that the great merit of the debate had been a practical debate, without any allusion to what were matters upon which hon. Members felt a great difference of opinion. Take, however, the question of sanitary condition. He thought the hon. Member who spoke last (Mr. Dawson) said the Local Government Board in Ireland had not the compulsory bye-laws which had been issued in England. Well, he did not know whether public opinion in Ireland was in that state that they could have them. A Government could not go in those matters very greatly in advance of the public opinion of the districts. One of their great objects ought to be to stimulate the public opinion to act, but then there was the Central Government to consider; and though he was sometimes told that the government of Dublin was too centralized, he was very often reminded that there were many duties to be performed which could not be done except by a great central power. Take, as an illustration, that, to England, and to the civilized, cultivated Irish, very shocking thing of heaps of manure, in the West of Ireland, being at the doors of the houses. Still, he should not like to impose upon the Constabulary, in addition to all their other duties, the duty of sweeping away all those heaps of manure. Again, as to the animals found in the houses, the hon. Gentleman who moved the Motion had spoken of one cottage in which were three cows, a chicken, three cats, and a dog. Three cats and a dog would be found in his (Mr. W.E. Forster's) cottage; but he would not say that there would be found there a chicken and three cows. But the very fact of there being three cows showed that the man was not in the most abject condition. The reason why he adopted a bad standard of living was that that mode of life had gone on for generations. The Public Health Act could only be carried out by stimulating the people in the good work. It must not be supposed that any fresh arrangements of machinery would cure the matter. That state of things, which was to be deplored, could only be remedied by degrees, and by the

influence of the gentry and clergy of the neighbourhood, and also by the energy of the Central Government. The causes of the evils which the House had to lament were, he was afraid, more deep-seated than anything connected with the constitution of the Boards of Guardians; and although he disapproved the present mode of their election, he should be deceiving the House if he were to lead it to suppose he thought that an alteration in that respect would be productive of any great change in the sanitary condition of the country. A suggestion had, he might add, been made by the hon. and gallant Member for Cork County (Colonel Colthurst), which he should most carefully consider. He alluded to that which had reference to the question whether the area of rating in Ireland was not too small. There could be no doubt that one of the greatest reforms in England was the substitution of the Union for the parish for rating purposes. It did away with the system of close parishes, which was one of the greatest curses. One parish would contain the resident landlords, and in another the labourers who cultivated the farms would be all nestled together. This had been, to a great extent, removed. He should be surprised, however, to find that the hon. and gallant Gentleman was right in supposing that the electoral division could be fairly compared to the parish; for, generally speaking, it must, he thought, be much larger. Another suggestion had been made upon which he could not then give an opinion, with regard to the rule now in force of keeping off the Boards of Guardians ministers of different religious denominations. He was not sure whether the evils of sectarianism were not increased by these efforts to guard against them. He did not know that it would not be wiser to treat the ministers as any other gentlemen of the neighbourhood, with the hope that they would do their duty, as he believed they were all anxious to do. Remarks had been made in reference to the Boards of Guardians; and he thought he ought to state that, as regarded the experience of the last few weeks—he would not say that was an experience to warrant a decided opinion, although the circumstances had been very pressing, such as to bring out the difficulties and show the deficiencies—

he did not think that experience in any way justified hon. Members from Ireland in passing a general condemnation of the Boards of Guardians. True, he had been unable to get away from London to Dublin while all these things had been going on; but, so far as he had been able to inform himself, it led him to express that opinion. There had been three Boards of Guardians in very difficult circumstances, in which it had been necessary for a time to suspend the Boards and put Vice Guardians in their place; but many other Boards in great difficulties had surprised him by the efficiency and humanity with which they had performed their duties. The hon. Member for Wexford (Mr. Byrne) had referred to what had been done by the Liverpool Guardians; but no comparison could be drawn between these rural districts and a large city like Liverpool. It could not be expected that they could have such a choice of gentlemen to serve as they could at Liverpool. As to keeping the rates down, the enormous wealth of Liverpool must be remembered; and, besides, the two cases were so different, that the experience of one was of no value as applied to the other, except that they had in either case a great amount of devotion to the services of others. One great reason why men served on the Boards was the desire to do their duty, and not merely to protect the rates. The whole thing was, in short, part of that great system of municipal government to which England owed so much, and to which Ireland also, he believed, owed a good deal, and might owe a great deal more. Her Members must not, therefore, be surprised that he was jealous of interfering with the system of local management in Ireland. He must be quite sure of great faults before he would do so. A Central Government might do the work better for a time; but that temporary advantage would be dearly purchased by the loss of local management, and, in the long run, the Central Government would be found the worse machinery. Allusion had been made to the difference between the English and the Irish Poor Laws; and he might observe, in connection with the subject, that he feared he would be considered a great heretic by some of his friends in that he had not been one of those who, in England, had been so thoroughly opposed as many to

out-door relief. He could see there might be great evil from a great amount of out-door relief; but he believed that very much of the success with which, in England, they had got through great evil and avoided great social convulsions, had been that from the time of Elizabeth until now every man in the country knew that he had a right to live, and it was difficult to carry out that state of things without some species of out-door relief. But it had been bought at a very dear price; and there were men of great eminence in Ireland, not at all confined to the supporters of Protestant ascendancy, who were opposed to the introduction of any Poor Law. He would mention that that great statesman—and such he admitted him to be—Mr. O'Connell, was one of the chief opponents to having any Poor Law at all in Ireland. He was wrong in that. They could not get on without it, and probably they would never have had the terribly low rate of wages they had before the Famine year, if there had been a system of Poor Law; but when he said the advantage of the Poor Law had been bought at a high price in England, there had been also compensating advantages in the teaching that, for many generations, Ireland had without it. There was one point in which the Irish labourers and small tenants compared favourably with the English labourers. If some of their actions were brought before them in a way that tried their patience and made them indignant, it was well to recollect the way in which Irish labourers helped their neighbours and the members of their own families. The enormous sums lately sent over from Irishmen in America to their families were a wonderful tribute to the Irish character; and when the Irish labourers came to England to earn the money with which they paid their rent, it would be difficult to find English labourers in similar circumstances who would send home their money without leaving a considerable portion of it in the public-houses of the district. These facts should be taken into consideration when they were comparing the Irish Poor Law with the English Poor Law; and though he was quite sure that they could not adhere to the principle of no out-door relief in great calamities like the present, they should, nevertheless, be careful about introducing generally a system of out-door relief. As to the Resolution itself,

he thought the wording of it was more applicable to a few weeks ago than to the circumstances of the present. He might ask the hon. Member to withdraw the Motion after the discussion, or even hon. Members might vote for going into Committee without condemning the Motion—that was to say, it would be equivalent to saying it was not incumbent on them to pass the Resolution; but he would not take either of these courses. If the hon. Member would consent to confine his Resolution as follows:—

“That, in the opinion of the House, the present condition of the agricultural population of Mayo, Sligo, and other parts of the West of Ireland, demands the serious and immediate attention of the Government,”

he would be prepared to support it. Such a Resolution would really strengthen the hands of the Government, and he should be glad to ask the House to agree to it. He was of opinion that the other points in the Resolution of the hon. Member should not be pressed, as they might be considered as amounting to a condemnation of the Local Government Board, which he did not think was meant.

MR. ASHMEAD-BARTLETT held that the administration of the Poor Law in connection with questions of out-door relief needed careful consideration, not only in Ireland, but in England. The late Government had shown their interest in the condition of the labouring poor in general by passing the Artizans' and Labourers' Dwellings Bill; and he hoped the present Ministry would devote their attention to such practical questions as the improvement of the condition of the dwellings of the agricultural poor in Ireland, instead of wasting valuable time on vain and hopeless measures like the Compensation for Disturbance (Ireland) Bill.

MR. BIGGAR complained that medical officers in charge of dispensaries were allowed to take private patients.

DR. LYONS rose to Order, and asked if it was competent for the hon. Member for Cavan (Mr. Biggar) to raise a debate on the Question of private medical practice, the Question before the House being one with reference to the relief of distress? If so, it must lead to a protracted discussion.

MR. T. P. O'CONNOR remarked, that the interference of the hon. Member himself (Dr. Lyons) was calculated to

lead to the protracted discussion he seemed to deplore. He failed to see how it could be seriously contended that the question of private practice and medical arrangements had nothing to do with the question under consideration.

MR. SPEAKER said, he did not think that the remarks of the hon. Member for Cavan (Mr. Biggar) were irregular.

MR. BIGGAR, resuming, said, with regard to the election of the Guardians, it was the custom for the *ex-officio* Guardians to attend badly generally; but when an officer was to be screened or whitewashed they attended in a body, and out-voted the elected Guardians. In any change of the franchise with regard to the Poor Law system, there must be a thorough and radical reform of the present system. It was one that had no example in any other part of the world, for it was a most absurd system. With regard to the housing of the people, the power of the landlords had always been too great, and nothing would meet the case but a complete land reform. He did not see that the Irish tenants would ever be able to put up sanitary dwellings until there was a land system, under which they could have perpetual holdings, at rents leased on Government valuation.

MR. O'CONNOR POWER said, that he would adopt the Amendment of the Resolution as suggested by the right hon. Gentleman the Chief Secretary for Ireland.

DR. LYONS remarked, that fever had prevailed in Ireland periodically as an epidemic in certain districts, and was not necessarily brought on by distress alone. He held in his hand a most important document which showed that the recent epidemic in the West of Ireland was not the result of a spontaneous outbreak at the present time, but that the fact was that the constitution of the poor people had been deteriorated by means of the inferior food upon which they had for many months past been compelled to live. He must say that he concurred with the Chief Secretary for Ireland in the opinion that any sudden and sweeping measure of sanitary reform in reference to the dwellings of the poor in that country was not to be thought of at the present. It should be undertaken by gradual steps, and not at present in a manner which should interfere with the immediate condition of the people. In

more than one Union arrangements were already in operation for carrying out sanitary works, though not always, he admitted, in the wisest way. He was sure that the hon. Mover of the Resolution (Mr. O'Connor Power) had not the slightest idea of throwing any doubt on the assiduity, zeal, and ability of the gentlemen belonging to the Medical Profession who had charge of the sick poor in the districts which had been visited by fever. The medical officers who had been sent down to those districts had in their Reports expressed the highest approval of the way in which the local medical men in charge of dispensary districts had performed their duties. The statement that persons had, in some instances, to go 40 miles to obtain medical assistance must, he thought, from his knowledge of the dispensary districts, be an exaggeration. He advocated the establishment of depôt hospitals in small towns, as a means of dealing with epidemic visitations. In such hospitals the people could be better attended to than in their own wretched homes. He regretted that it was necessary to bring such a state of things before the House, for it was not in a position to form a sound and mature opinion on all the causes that had led up, through a long series of years, to the condition in which the people were now found to exist in certain localities in Ireland. No one with the feelings of an Irishman, however, could avoid reminding the House, although he might do it without a blush, of the circumstances which had contributed to the present state of things in the West of Ireland. It was owing mainly to the fact that the soil of that part of Ireland had been burthened with 40,000 persons, transplanted forcibly from other localities during the period which followed the Cromwellian wars, by an operation unparalleled in the annals of any other country in Europe, and from the effects of which that part of Ireland had not yet fully recovered its equilibrium.

MR. T. P. O'CONNOR said, as the Motion as present stood, it applied only to Mayo and Sligo. He wished to suggest to the right hon. Gentleman and to his hon. Friend to put in the word "Galway."

MR. W. E. FORSTER said, perhaps the hon. Member would add that to the Amendment. There were parts of Gal-

way which were, undoubtedly, in a very bad state.

Amendment, by leave, *withdrawn*.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, Galway, and other parts of the West of Ireland, demands the serious and immediate attention of Her Majesty's Government,"—(Mr. O'Connor Power,)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put.

*Resolved*, That, in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, Galway, and other parts of the West of Ireland, demands the serious and immediate attention of Her Majesty's Government.

SUPPLY — Committee upon *Monday* next.

#### EMPLOYERS' LIABILITY BILL.

[BILL 303.]

(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.)

#### CONSIDERATION, AS AMENDED.

Further Proceeding on Consideration, as amended, *resumed*.

Clause 1 (Amendment of law).

MR. DODSON moved a verbal Amendment, in line 8, after "with," to insert the words "or use any."

Amendment *agreed to*.

MR. DODSON said, he had to move to leave out the words in line 11, "whilst in the exercise of the," and to insert the words "who have."

Amendment *agreed to*.

MR. S. MORLEY moved, in page 1, line 22, after the word "behalf," to insert the words—

"(5.) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway."

The hon. Gentleman said, that clause had been so long discussed during that

afternoon that he felt it quite needless to occupy time. He should, however, be glad to explain how it was that it was presented in that restricted form when the House met last week in Committee. He then proposed a clause which he would read—

“By reason of the neglect of any person in the service of the employer engaged in a branch or department of such service separate or distinct from that in which the workman was engaged.”

His object in that clause was considerably to curtail the operation of the doctrine of common employment with reference to the person engaged in the same service, but in different departments. During the last half century there had sprung up in this country immense Limited Liability Companies, railways, and private firms, which were, in fact, each of them aggregations of large businesses absolutely distinct one from the other not under one head. His object was that the doctrine of common employment should be applied to working men, simply working together, who were supposed to watch the operations of each other, and so to prevent danger to themselves by the foolishness of persons working in the same shop, or immediately in relation to them. He believed that clause commanded a very large amount of support on both sides of the House, and he had no doubt if it had been put to a division that it would have been carried. The Government, however, very naturally—and he fully admitted it—said that it would have been so distinct a departure from the understanding with which the Bill had been brought forward, and to which he attached great importance, that they could not accept it, and its adoption might have endangered the Bill. He not only professed allegiance to the Bill, but he really did support it, believing it would be of great importance both to employer and employed. Therefore, he withdrew the Amendment. As it was not acceptable to the Government a great many did not vote for it, and a great many voted against it who had spoken in favour of it, and the result was a defeat of the Amendment by something like 100 votes. He merely mentioned that as indicating a great advance in regard to the doctrine of common employment. He accepted gladly the proposition of the Government, and he

thought his Amendment was one which would insure the support of the Government. The object of the Amendment he ought to say, in fairness to other branches of work, was to select what might be called the specialities of danger in connection with railway work, the use of the signals, points, locomotives, engines, or trains upon that railway. As there was no other department in which those dangers occurred he therefore willingly adopted that proposition, and submitted it with confidence to the House.

Amendment proposed,

In page 1, line 22, after the word “behalf,” to insert the words “5. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway.—(*Mr. Samuel Morley.*)

Question proposed, “That those words be there inserted.”

Mr. GORST presumed, from the speech of the hon. Member opposite, that he had now brought forward an Amendment which the Government would allow him to introduce into the Bill. He gathered from the hon. Gentleman's speech that the Amendment now upon the Paper was concocted between the hon. Member and the Government; and, therefore, he hoped that on that occasion he should not witness the spectacle of the hon. Member running out of the House and abstaining from voting for an Amendment which he had himself pressed upon the House. He presumed this was a real earnest Amendment, and not a mere sham; but was one which was to be proposed, and which the Government was going to allow to be introduced. He took leave to express his great disappointment at the very small concession made. Of course, he had never expected the Government to concede the abolition of the doctrine of common employment; and, therefore, though he voted for the clause proposed by the hon. and learned Member for Launceston (Sir Hardinge Giffard), he was not surprised at the Government opposing that clause, for if it were carried it would have been thoroughly inconsistent with the proposition of their Bill. There was no objection of that kind to this clause, because those who wished to retain the doctrine of common employment should take care to put a

stop to so very unjust and unfair an application of it as took place with regard to large Railway Companies. The great popular objection to the doctrine of common employment arose from the startling results which every day took place in the case of Railway Companies. At that very moment, when they were now discussing this Amendment, there were before the country remarkable cases. One was the accident which occurred to the Scotch express, and in which the only persons killed were three railway servants; and, although it might turn out—and would probably turn out—that this accident was caused by the neglect of the foreman of the platelayers, neither by the Bill of the Government nor by the Amendment now proposed would the three railway servants killed in this accident receive any compensation whatever. He presumed a foreman of platelayers was not engaged in superintendence of manual labour, and he was not among the favoured few who were included in the Amendment of the hon. Member for Bristol. Here they had a startling example. Here were people who lost their lives through the neglect of a servant not connected with them, whom they had never seen or heard of; and because he was the servant of the same Railway Company they were debarred from obtaining any compensation whatever. Now, that was just the kind of case that caused all the agitation against the doctrine of common employment; and if the Government desired this Bill to stand, even for a year or two, they would take care to put a stop to such flagrant instances of injustice and unfairness. He thought it would have been far wiser if they had accepted the Amendment of the hon. Member for Stafford (Mr. Macdonald), or the real Amendment of the hon. Member himself, which he supposed was his idea of what was the fairest way of dealing with people engaged in the superintendence of work, distinct from one another, who could not be considered in common employment. He must express his regret at the very meagre concession made; and he hoped it was not too late for them now, without doing away with the doctrine of common employment, to greatly improve the character of the Bill.

Mr. DODSON said, the hon. and learned Member for Chatham (Mr. Gorst) was right in supposing that the Govern-

ment would accept this Amendment. They had considered it, and thought it was consistent with the spirit of the Bill, and that they could accept it without going further into the doctrine of common employment. Therefore, they immediately accepted it, and considered it a valuable addition to the Bill. He would not detain the House discussing it, for it had been well explained; but he wished to call the attention of the hon. and learned Gentleman to a misapprehension under which he laboured as to the Bill, and as to what its operation would be in regard to the accident which recently took place. The platelayer, in that case, would be a person intrusted with the duty of seeing that the permanent ways were in a proper condition.

Mr. MACLIVER wished to offer a few remarks in reference to the Amendment. The hon. and learned Member for Chatham (Mr. Gorst) thought it a small concession; but he himself thought the hon. Member for Bristol (Mr. S. Morley) was better able to judge what was a large concession or not. He thought the hon. and learned Member was rather peremptory in his definition of the law of the Bill, seeing that the right hon. Gentleman did not agree with him that the accident at Berwick would not be fully met by the powers of the Bill. Railway servants had a special claim to that concession; and it might be some satisfaction to the House to know that the Amendment was acceptable to railway servants, and would satisfy their just demands. As to what had come from below the Gangway, it should be remembered that the late Government did nothing for railway servants.

Mr. GORST said, he supported the Bill of the hon. Member for Stafford (Mr. Macdonald) on several occasions.

Mr. MACLIVER observed, that he was speaking of the late Government. For six years they did nothing to help railway servants, although they now heard of extraordinary zeal on their behalf among supporters of the late Government. The railway interest had behaved with great forbearance and consideration. It was supposed, as there were many Railway Directors in the House, that strong opposition would have been given to various clauses of the Bill; but it was very gratifying to find that the railway interest had shown

*Mr. Gorst*

discrimination and discretion, and would be satisfied with a Bill like this, which would meet all just demands.

MR. A. J. BALFOUR remarked that the hon. Member who had just sat down had said that nothing was done by the late Government to satisfy the just demands of the working man. [Mr. MACLIVER: Railway servants.] He reproached Members below the Gangway for their new-born zeal. He must remind the hon. Member that Members below the Gangway were not Members of the late Government. If the late Government had been constituted from them the just claims of the railway servants would, no doubt, have been met. With regard to the Amendment which had been accepted by the Government, he did not think anything could show the extreme absurdity of the Government position more than the grounds they had taken up with regard to that Amendment. If he could only remember the speech which the Attorney General made in reply to the hon. and learned Member for Launceston (Sir Hardinge Giffard), he should be able to make a most effective speech. He said there was an extreme impropriety in debating exceptional legislation on behalf of railways. He entirely agreed with that; but what was the Government now doing? Did the legislation accepted by the body of hon. Members opposite exceptionally apply to railways only, or were they prepared to extend it to all trades and industries in the country? It was perfectly obvious that the Amendment was an innovation, to a certain extent, of the doctrine of common employment, and yet it had been stated that it would not affect it. The Government had been inconsistent, and had shown no sufficient justification for bringing that matter forward. It had been stated that pointsmen and signalmen on a railway were truly in the spirit, if not in the letter, people in a position of trust as regarded the employer, and ought not to be excluded, as they did not come under the doctrine of common employment. Why not leave the decision of that question to the Judges? He saw the hon. and learned Gentleman the Attorney General laugh. He did not think, probably, that that was a proper question to be left to the Judges; but he (Mr. Balfour) thought that he would hardly deny that questions of similar import were not often so

left. Let them take the case of mining. He thought there could be no doubt that in that case exact parallels might be found for the purposes of that Bill to the relation existing between signalmen and engine-drivers, who were killed, perhaps, by a fellow signalman or engine-driver. He would take the case of men employed in mines, who were technically known as firemen. They were not in any way superior as regarded education or anything else. They were ordinary miners, and were not selected for superiority in any way, and yet they had placed in their charge the dealing with certain matters which, if mismanaged, a serious accident might happen, and a great loss of life ensue. There was no corresponding point between those men and ordinary miners; they were, in fact, as distinct as signalmen from engine-drivers, and yet the ordinary miner was entirely at the mercy of the fireman. What was the view of the Government as regarded those firemen? Suppose that, through carelessness, an accident occurred, did the Government regard that fireman as a person in trust or not? If they did think they were persons in trust, why were they not already in the Bill? And if the question was left to the Judges, why not leave the matter alone? He should be glad to know from the Government why they had selected railways, and railways only, out of all the industries of the country, in which certain *employés* were to be distinguished by statute; and, in case of carelessness, their employers were to be liable? There were many other industries which were precisely in parallel circumstances, and yet they were not to be singled out by statute in that way. He was bound to say that he must congratulate the right hon. Gentleman in charge of the Bill that he was no longer Member for Chester. He never had suspected him of bringing in a Bill in order to please railway servants, but it might have been considered so; and he was, therefore, glad that things had so turned out that not the slightest suspicion could attach to him on that score: because, as the Bill would stand when the Amendment was accepted, it would appear that the grievances of railway servants and others were not worth, by comparison, any consideration whatever.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he would reply



to the hon. Member as briefly as he possibly could. The hon. Member had said that, in accepting that Amendment, while objecting to that of his hon. and learned Friend opposite (Sir Hardinge Giffard), they were utterly inconsistent. He would not admit that to be the case, and he believed he could show the House that that was not so. In the case of the Amendment of his hon. and learned Friend opposite, they might have had exactly the same act of negligence done by two people in exactly the same position; and in the one case the employer would have been liable because the injured man was a railway servant, and in the other he would not be so, because the man was in another employment. For instance, if a person engaged in rivetting at the engine works of a railway injured another workman, the Railway Company would be liable, because they were a Railway Company; while, if the same thing happened in an engine factory not connected with the railway, the employer would not be liable because it was not a railway service. But the Amendment then on the Paper dealt with all, whether the employer were a Railway Company or a private individual, and whether the person were in charge of the engine or a signalman, or a pointsman. It dealt, in fact, with a particular act of a particular individual in an employ of the kind mentioned. He thought the House would see that there was a radical distinction, because it was an extremely inconsistent thing that an employer should be liable in one case and not in another, which was exactly parallel. His hon. Friend said that the Government knew nothing about mining. It was possible that they knew as much about it as the hon. Member. He had himself some knowledge of the subject; and, at any rate, he would back himself in a competitive examination against his hon. Friend. With regard to the specific case put by him, he should say that where such a distinct case existed he could not see how there could be any doubt as to the application of that measure. His hon. Friend had described a person, he believed correctly, who was charged with the duty of seeing that a portion of the works was in proper condition. He had discussed that matter with both mine-owners and miners, and they agreed that that was a case where liability would at-

tach. The hon. Member said they had left that case out of the Bill, and that they had not protected the miner, although they had protected the railway servant. He begged to say that they had just as much protected the miner, although by a different provision in the Bill. He believed that his hon. Friend had overlooked the immense importance, as regarded the working men of this country, of the 1st sub-section of the 1st clause of the Bill. He would not dwell upon it; but he believed that both employers of labour and workmen themselves were fully conscious how important that clause was. But while they felt that a great deal was done by that clause, they also felt that, as regarded railway servants, they had not been adequately provided for; for although that Bill dealt with masters and workmen, it did not affect railway servants in many cases where other classes would be benefited by it. He saw that his hon. and learned Friend opposite agreed with that. They had, therefore, dealt exceptionally with railway servants, so as to put those who were sometimes engaged in very dangerous work in as favourable a position as others. He would not admit that they were put in a better position than workmen generally, because they did not get the same benefit from many other parts of the Bill that others did. Of course, he did not mean to say that they could profess to deal with the matter exactly, for to attempt to put everybody on the same footing was an impossibility. When once they adopted the doctrine of common employment, and agreed not to abolish it altogether, it was impossible to give absolute equality. They must look at the general class of cases in existence, for which they wished to provide security where it was not already provided. He believed that when they looked at the clause, coupled with the provision proposed, it would be found to give substantial relief, and that those employed on railways would have been in a less favourable position than others if some such provision had not been inserted. It was in that view that that Amendment had been accepted. The Government did not pretend that the Bill was a perfect one. [*Derisive cheers from some Members of the Opposition.*] Hon. Gentlemen might, of course, pick holes in it; but he would say that in case hon. Gentlemen had introduced a

Bill he would, no doubt, be able to do the same. It was a matter of the utmost difficulty to be able to hold the balance as nearly as they could between the different persons likely to be affected by such a measure.

SIR HARDINGE GIFFARD said, he must confess that he was rather surprised at the construction put by the Solicitor General on the Amendment. He was certainly under the impression that the meaning of the hon. Member for Bristol (Mr. S. Morley) was that the Amendment should apply to such industries as railways, and Railway Companies only; but he gathered from what fell from the Solicitor General that the Government deliberately accepted that Amendment, assuming that the word "railways" referred simply to the physical constructions, and not only to a public company carrying on business and transmitting passengers and goods for hire. If so, that was certainly the most extraordinary Bill one could well conceive of. An ordinary employer, not being a Railway Company, simply because he happened to have a construction called a railway upon his works—and he would undertake to say that the hon. Member for Glamorganshire (Mr. Hussey Vivian) had half a dozen railways under his private control, and there was hardly a single mineowner who had not one such railway at least—was to be made liable in a different sense as regarded that part of his works. His opinion was that the hon. Member for Bristol meant that the Amendment should apply to what was popularly known as a railway; but the Government seemed to be about to extend the meaning to all physical constructions of the kind. If that was so, he would say that it was entirely inadequate and perfectly illusory as regarded what was intended to be done apparently by the hon. Member for Bristol. He (Sir Hardinge Giffard) had been desirous of giving what assistance he could to the Government in conducting that Bill through the House, and he could not congratulate the hon. Member for Plymouth (Mr. Macliver) for endeavouring to make a Party matter of it. Considering the admitted difficulty of the subject, he thought they might have been allowed to discuss a question of that sort without reference to what this or that Party had done. Some minds were incapable of doing more than re-

proaching their adversaries on all possible occasions. He did not wish to dogmatize; but he could not concur with the construction his hon. and learned Friend the Member for Chatham (Mr. Gorst) placed upon the Amendment with reference to a supposed illustration in the case of an accident that happened recently. He gathered from the Solicitor General and the right hon. Gentleman the President of the Local Government Board that a platelayer would be included in that Bill. He submitted to the House that that was not correct, and for these obvious reasons. In the first place, it was not within the scope of the Amendment. A platelayer was not a person in control of "signals, points, locomotive engines, or trains." That disposed of the Amendment, and he would then turn to the Bill. The Bill itself confined the remedy to the case where there was a defect in the works, &c., or negligence on the part of a person who had superintendence intrusted to him. Then came a Proviso upon which he presumed the question turned. Under sub-section 1, of Clause 2, it said—

"Unless the defect therein mentioned arose from the negligence of the employer, or of some person entrusted with the duty of seeing that the work, &c., were in proper condition."

He confessed that that pointed, in his mind, to the person intrusted with superintendence, and not to the person who had a duty to perform, such a physical act as that by which plates were laid. The Act contained words that were general; and although, as he had said, he did not wish to dogmatize, still he must say that he thought the Judges would construe that as relating to persons in a superior position, such as that of inspecting the line to see that it was in proper condition. Undoubtedly, that would seem to be the primary and ordinary meaning of the language employed. It did not appear to him that platelayers were persons referred to in that clause. He only made that observation because the right hon. Gentleman had said that such men clearly would be within the clause, and he therefore had ventured to express a doubt as to the correctness of that statement.

SIR GEORGE CAMPBELL said, he sympathized with what had fallen from the hon. and learned Member for Chatham (Mr. Gorst), and also with a good

deal that fell from the hon. Member for Hertford (Mr. Balfour). It did seem to him a matter for regret that, seeing that the hon. Member for Bristol (Mr. S. Morley) ought to have carried his Amendment, if pressed, it had not been so pressed. He did think that when the Government conceded so much of the Amendment of the hon. Member for Bristol, the position had become a difficult one, and the situation involved, in regard to that matter. The Solicitor General, he believed, had gone as near special pleading as possible. So far as he could gather, a railway, whether private or public, was to be in a totally different position from any other employ. That being so, the Government had left the position and abandoned the principle they at one time advocated. He believed, however, that they would not arrive at a settlement of the question for any length of time until that principle was conceded in a wider degree. In that view he had placed upon the Paper an Amendment, a great deal of which he would confess was stolen from that of the hon. Member for Stoke (Mr. Broadhurst), who, of course, had a greater knowledge of the matter. It appeared to him that the Amendment of the hon. Member for Stoke went far in the direction that he wished; but it did not make the matter so clear as he could desire, and he, therefore, had framed an alternative Amendment. The hon. Member had great experience of the working classes of this country, and he was glad to find that he was inclined to accept his (Sir George Campbell's) Amendment. That being so, he had more confidence in bringing the Amendment forward, and he believed that it would be acceptable to the House. He proposed to amend the Amendment of the hon. Member for Bristol, by leaving out all the words after "employer" and inserting "engaged in any work other than that in which the person injured was engaged." That would also give effect to what had been urged by the hon. Member for North Staffordshire (Mr. Craig). He had said that he thought it necessary to define what common employment was. After the speech he had heard from that hon. Member, he believed that his Amendment would be acceptable to the hon. Member for North Staffordshire. He was willing to rely upon the hon. Members for Stoke and

North Staffordshire, and those of the Fourth Party opposite. He begged, therefore, to submit his Amendment to the House.

Amendment proposed to the said proposed Amendment,

After the word "employer," to insert the words, "engaged in any work other than that in which the person injured was engaged."—*(Sir George Campbell.)*

Question proposed, "That those words be there inserted."

MR. MONTAGUE GUEST said, he would suggest as a solution of the difficulty referred to by the hon. and learned Member for Chatham (Mr. Gorst), that after "control of" the words, "the permanent way or," should be inserted.

LORD RANDOLPH CHURCHILL said, that the right hon. Gentleman the President of the Local Government Board had made a statement, which had been, to a certain extent, corroborated by the Solicitor General, upon which it was extremely important that the House should be enlightened before they proceeded to a division. He always observed that when the hon. and learned Gentleman the Attorney General thought they had a bad case he put up the Solicitor General to defend it, and the hon. and learned Gentleman was extremely reluctant to interfere himself. He would not dispute the statement of law made by the President of the Local Government Board; but he must say he had a little distrust of his legal statements, after the extraordinary opinion they had heard from him that "plant" included "agricultural live stock." He should be extremely glad, therefore, to have the opinion of the Attorney General as to the position of platelayers under this Bill. The hon. and learned Member for Chatham had said that a curious illustration of the application of the measure was the case of the accident which had happened near Berwick, where it was supposed that the accident had occurred in consequence of the negligence of a platelayer, and that compensation could not be recovered because the foreman of platelayers, although intrusted with superintendence, was engaged in manual labour. The right hon. Gentleman informed the House that that foreman was intrusted with the duty of seeing that the way was in proper condition, and therefore came

under the Bill. He was bound to say that he did not think that the Solicitor General had corroborated that altogether. For his own part, he should have thought that a platelayer was a person deputed by the inspector of the permanent way to repair the line, and that it was not his duty to see that the line was in proper condition, nor was he responsible for it. Taking into account that the person whose duty it was to see that the way was in proper condition was probably the inspector of the permanent way, and not the person who laid down the line, and also that the foreman of platelayers was a man who, although with superintendence intrusted to him, was ordinarily engaged in manual labour, he should like an expression of opinion upon the point from the hon. and learned Gentleman the Attorney General. The Solicitor General took exception to the statement of his hon. Friend (Mr. Balfour) that the fireman in a mine was not in an analogous position to the miner as the signalman on a railway towards an engine-driver. The Solicitor General spoke on that subject, and infused a little heat into his remarks. But he would not refer to that; he would ask the opinion of the hon. Member for North Staffordshire (Mr. Craig), and he should be glad if that hon. Member would inform the House whether his hon. Friend was not exact in saying that the fireman in a mine was in the same position towards a miner as a signalman on a railway was to the engine-driver or guard? Each had to do a certain mechanical duty. Neither had to see whether the machinery was in order. He hoped they would have the opinion of the Attorney General before they came to a division, and also the opinion of the hon. Member for North Staffordshire.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he ought to feel very highly complimented by the speech of the noble Lord, and, as a matter of courtesy, he would endeavour to reply to it. He quite agreed with the statement of the Solicitor General. It appeared to him quite clear that the facts were as he stated. With reference to the accident, the Railway Company would be clearly liable. The noble Lord did not seem to understand that, under the Bill, the Company would be liable. Of course, the Company must allot to

someone the duty of seeing that the permanent way was in a proper condition. If they did not send anyone to examine the line they would be liable for neglect in not having intrusted the task to someone. If they chose to give the duty to a platelayer, even though he was engaged in manual labour, they would be liable, as his noble Friend had suggested, under Clause 1. He understood his noble Friend to contend that the platelayer, being engaged in manual labour, was not intrusted with superintendence. But the liability arose under sub-section 1, Clause 2, where the words were—

“Unless the defect therein mentioned arose from, or had not been discovered or remedied owing to the negligence of the employer, or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery,” &c.

That had nothing to do with men engaged in manual labour. The platelayer had either to see, or had not to see, whether the permanent way was in a proper condition. If the Company intrusted the task to anybody they would be liable for neglect if any accident occurred; and if they intrusted that kind of work to a labourer, who was guilty of neglect, the Company would be liable for that neglect. There must be somebody to whom the duty must be intrusted; and, whether it was a platelayer or a superintendent of the line, for any defect in the performance of that duty the Company would be liable. Therefore, his hon. and learned Friend expressing the same opinion, he agreed with him entirely. Under that Bill the liability rested on the Railway Company to see that the line was in the proper condition.

MR. BROADHURST said, it was perfectly true that during the dinner hour his hon. Friend did a little Parliamentary poaching, which he supposed was somewhat excusable after the recent exciting debate on the Game Question. But his object was not to dispute about who should do the work. All ought to do their best to see that good work was done, and the object of the Amendment was to confer the same advantage upon all trades as it was proposed to confer upon railway servants especially. There was no denying the fact, and he thought the hon. and learned Solicitor General, in his remarks a few moments ago, did not attempt to deny that the clause of

the hon. Member for Bristol would confer advantages upon railway servants which it would not give to other trades. Now, what reason was there why one especial class of labour should be selected for especial favours? The only reason that could possibly occur to the mind of the House was that hon. Members were more acquainted, and came oftener in contact, with railway servants than with men engaged in mining operations, in engineering works, or in other trades. The clause which had been agreed to would have precisely the same effect on all other trades, and could be supported by exactly the same arguments. There was the same necessity to protect the mason, hewing the stone at the bottom of the building, against the carelessness of the builder and joiner, or the plumber who was putting on the roof at the top, as there was to protect a guard against the carelessness of a signalman, or an engine-driver against the neglect of a guard. He hoped the illustration he had given would show that that applied all round. If that was so, why should they, at the end of this Bill, especially mark out for consideration one class of workmen from all other classes? What would be the result if the House carried it? Why, the very moment it was carried they would have all the other trades of the country up in arms demanding the same justice should be done to them. He would venture to put in a word for a class which had been especially silent during the debates on this subject—that was, the railway proprietors. There was no necessity for a workman in his position to endeavour to protect the interests of railway proprietors; but let them remember all classes when they were passing legislation in that House. Was it fair, or just, to the railway proprietors that they should have especial fines and penalties levied against them that were not levied against other employers? Only yesterday he was speaking to the hon. Member for East Retford (Mr. Mappin), who was largely interested and experienced in railway works, and who assured him that the Railway Companies had not offered any great opposition to the Bill; but the hon. Member said—"If you commence to single us out for especial penalties then we must offer opposition to the Bill." He did not care what liabilities were placed upon them, so

long as all other classes had the same liabilities placed upon them. He thought the argument was perfectly logical; and he did not think if he had put his case to the House but that the House would have agreed with him, and have listened to his argument. If, then, they passed that clause of his hon. Friend the Member for Bristol, which he sincerely hoped they would, he trusted that the House would follow it up by also passing the Amendment which his hon. Friend had submitted to be added to that clause. He apologized for speaking at such length; but he did hope they would listen to his appeal, and would be reasonable, as the House always was reasonable. He had no hesitation in saying that he felt they would almost unanimously agree to this Amendment.

MR. D. DAVIES feared the Government had opened a new flood-gate which they would not be able to close. There was one important question which was not covered, and which must rise if this clause passed. Were coal proprietors to be liable for the negligence of engine-men who had charge of the winding gear in coal pits? 500,000 men were lowered into and raised from coal pits each day. That was a far larger number than was affected by the clause of his hon. Friend. If an engine-man wound 12 men over the top of the pit—a thing which, unfortunately, occurred occasionally—he did not suppose under that Bill the employers would be liable; but if the Government passed this clause he was sure the miners would not be satisfied unless they were protected from the danger of being overwound or lowered too quickly. Then, consider the railways which were underground. Sometimes the coal had to be wound a mile along the pit with one man in charge of it. There was a signal when the train got up the road to stop it. Very often the man was killed by being dragged along when the train got off the road in that way. Were employers to be liable for that under this Bill? He was certain those people had a better claim than the engine-driver when he was killed in consequence of the pointman turning the points the wrong way. But the engine-driver was paid very high wages—two guineas a-week—while the man on the train underground was not paid more than 18s. He wanted to know how the Government were going

*Mr. Broadhurst*

to stop a demand for damages in this case if they once passed this Bill? Unless they destroyed the doctrine of common employment—and, of course, they could not consent to that—where were the Government going to draw the line? He put that question to gain information. He was told by very knowing people that the coalowners would be liable for the over-winding of the engine-driver. He could not see how the matter rested as the Bill now stood. As far as the platelayer connected with the recent accident was concerned he was liable, because every Railway Company had a foreman every 50 or 60 miles to give orders as to what was to be done. Therefore, as the Bill now stood, the Railway Company was responsible.

MR. HUSSEY VIVIAN said, they were travelling very wide of the mark, and ought to confine themselves to the particular question before the House. That question was simply whether they were to have common employment or not; and whether at this time of the night, at 20 minutes past 1 o'clock, in a thin House, with no Notice whatever, the whole doctrine of common employment was to be affected in this Bill by a side wind. This was such a large and grave question that it ought to be discussed in a full House, when they were not exhausted by a long Session, and when they could carefully and fully consider it with a proper number of Members present, and after due Notice. The Government had accepted—and, he thought, rightly accepted—the Amendment of his hon. Friend the Member for Bristol. That dealt distinctly with certain classes of railway work. It did not lay the Railway Companies open to the full doctrine of common employment, but confined their liability to certain especial cases. That was as plainly defined as the liability of other employers in other parts of the Bill. The hon. Member for Hertford (Mr. Balfour) put the case of a foreman. If the hon. Gentleman would take the rules of any colliery he would see that the foreman's duties were so distinctly laid down that there could be no question that the employer was liable under the clause in this Bill. There was a very great doubt as to whether signalmen or locomotive drivers were liable under the general terms of this Act. Therefore, the Government, in order to place Railway

Companies in exactly the same position as other employers, had, he thought, wisely adopted the limited clause of his hon. Friend the Member for Bristol. It was now proposed to leave out those words which placed Railway Companies on all fours with other employers, and to import other words which would make all employers liable, and really destroy the doctrine of common employment altogether. He did submit that was not a thing to be supported or admitted under these circumstances; and he trusted more time would not be wasted on that point, but that they would go to a division, and confine the Bill to the point suggested.

MR. DODSON said, he was not going to detain the House for a minute; but he wished to point out, in a very few words, what was the point before them. His hon. Friend the Member for Bristol (Mr. S. Morley) had moved the insertion of certain words. They had accepted the extension of the Bill, confined to persons in charge of those particular things; and the reason they accepted that was, because they were under circumstances as to which complaints had arisen; and although these were persons who might not be actually in the control of the coal mine, yet other persons who were in authority in such a particular operation of work had placed upon them so grave a responsibility that they thought an employer might be held fairly responsible for them. Upon that an Amendment was moved by the hon. Member for Kirkcaldy (Sir George Campbell) which read thus—

“By reason of the negligence of any person in the service of the employer engaged in any work other than that in which the person injured was engaged.”

That was going a very long way in the direction of abolishing the doctrine of common employment altogether. There was no question of one man being in a superior grade to another. There might be workmen of an equal rank; but the defence was abolished, subject only to this—that the one man should be engaged in work other than that of the person injured. What was the “work other than that of the other man?” Who could explain or define what they meant? There were several men engaged upon a house—the builder, the bricklayer, plasterer, and carpenter. Were they engaged in the same or dif-

ferent work? This was an Amendment which was really and truly going a very long way to do away with this defence, and the only question was how far it went? The words in the Amendment were perfectly unintelligible, and he submitted that it was not suited to the Bill. He could not accept it, and, therefore, he must adhere to the sub-clause proposed by the hon. Member for Bristol.

CAPTAIN AYLMER did not think they were in a position to come to a decision on this matter. The Government were prepared to accept a certain modification as to railways; but he was sure it would not give satisfaction to the railway men, because, while it included some, others, who equally might cause injury, were left out. They had permanent way men who were included in the other part of the Bill. There were those also in charge of level crossings. Everybody would admit that accidents might occur from gates being left open through the carelessness of the men in charge. They were not included in any part of the Bill. He did not see why they should be left out when others were included. He thought that, as the Amendment proposed was not carefully considered, he was justified in moving the adjournment of the debate.

MR. SPEAKER: Will any hon. Member second that Motion? The Motion, not being seconded, cannot be put.

MR. CRAIG: I merely rise to give the explanation which was required by the noble Lord when he spoke with reference to firemen. I was not in the House when the hon. Member for Hertford (Mr. Balfour) made his speech; but I understand that it was stated, in reply to him, that the firemen had charge of the machinery, plant, and stock. Now, the firemen really have nothing whatever to do with machinery, or the maintenance of any plant whatever. The fireman's duty is to inspect the face of the working places in the mines; to see that they are free from gas; then to fire the shots when required, and to keep the air up to the face by fixing the brattice, or temporary division; and it is a question, in my mind, as to whether the employer would be liable for their negligence under the Bill, because their duty is of the nature partly of manual labour, and partly of supervision of working

places. Now, with regard to this Amendment of the hon. Member for Bristol, in speaking of it this morning I advised the Government not to accept it. I saw quite clearly that if they did so they would involve themselves in a sea of trouble; and unless they go the whole length, as proposed by the hon. Member for Kirkcaldy (Sir George Campbell), I think they would do better to refuse to accept the Amendment at all. They have already invaded the doctrine of common employment to an almost indefinite extent; and they have been called upon, 10 days ago, by the late Attorney General, to specify those classes of workmen for whom the employer would be liable. This the Attorney General refused to do, and I thought he was wise in that refusal. It is much better to fix a sound general principle to apply to a varied state of things than to attempt to specify a set of cases which might be a specification of almost indefinite length. But they have now specified them with regard to railways. They have accepted words to this effect—that the employer is to be liable for pointsmen and signalmen, and so on, engaged upon a railway. Now, the question arises, what are you to designate a railway? I was engaged in a law suit, four years ago, and the question arose as to what a railway was; whether a space of ground left by deed for a waggon-way could be said to be left for a railway, and that question is not settled yet. Now we have railways underground, as was very properly pointed out by the hon. Gentleman behind me (Mr. D. Davies); we have scores of railways underground, and we have a great many boys employed upon these railways as pointsmen and signal attendants. In every colliery where 500 men are employed, there are about 50 boys to look after the points and signals and various workings in connection with the railways. Are we to be responsible for each one of those boys who acts as pointsmen? If this Amendment of the hon. Member for Bristol is adopted at all, I say you had far better at once adopt the Amendment of the hon. Member for Kirkcaldy. That, at least, is intelligible enough, and it is just to the workmen, which the Bill, as it stands, is not. If the hon. Member for Kirkcaldy goes to a division I shall certainly vote for that Amendment.

MR. WARTON said, he did not quite understand the Forms of the House, and should, therefore, like to ask a question on a point of Order. The Government had brought forward that Amendment, to which the hon. Member for Kirkcaldy had moved an Amendment. He wished also to move an Amendment, and he should like to ask if he could do so. [*Cries of "No!"*] He asked the Speaker, and not the House. He begged to ask the Speaker whether he should be out of Order in so doing? His Amendment would, he believed, assist the Government by getting rid of two Amendments. The subsection would then run—

"By reason of the negligence of any person in the service of a railway company, such negligence being on the part of a signalman on the railway of such company."

MR. SPEAKER: The Question before the House is the Amendment of the hon. Member for Kirkcaldy (Sir George Campbell). When that is disposed of, it will be competent for the hon. and learned Member to move his.

MR. COURTNEY asked if the Question ought not to be "that the words proposed to be left out stand part of the Amendment?"

MR. SPEAKER: The words down to the word "employer" stand part of the Amendment. The manner in which the Question is proposed is, therefore, correct. I have already informed the hon. and learned Member for Bridport (Mr. Warton) that his Amendment cannot be put.

MR. COURTNEY said, that the hon. Member for Wareham (Mr. Montague Guest) had also an Amendment.

MR. SPEAKER: The Amendment of the hon. Member for Wareham will follow the present one.

Question put.

The House *divided*:—Ayes 29; Noes 89: Majority 60.—(Div. List, No. 115.)

MR. MONTAGUE GUEST begged to move his Amendment.

MR. BROADHURST asked whether his Amendment did not come next?

MR. SPEAKER: As the Amendment of the hon. Member for Stoke appears to raise the same question as that of the hon. Member for Kirkcaldy (Sir George Campbell) it cannot be put.

MR. MONTAGUE GUEST said, he wished to move that the words "of the permanent way or" be inserted after "control." It appeared to him that they would meet an objection that had been raised; and although it would not cover all the parts of a railway, still it went towards making the Bill clear and the clause more intelligible.

Amendment proposed to the said proposed Amendment, after the word "control," to insert the words "of the permanent way or."—(Mr. Montague Guest.)

Question proposed, "That the words be there inserted."

MR. DODSON said, he hoped the House would adhere to the words of the Amendment of the hon. Member for Bristol (Mr. S. Morley).

LORD RANDOLPH CHURCHILL asked whether they were to understand that the right hon. Gentleman the President of the Local Government Board, assisted by his legal advisers, had decided that a foreman of a gang of plate-layers was the same thing as an inspector of the permanent way, and that the person referred to in sub-section 1 of Clause 2 was not an inspector, but a foreman? He had consulted three legal gentlemen of considerable eminence, and they had agreed that his view was correct. He, therefore, concluded that the right hon. Gentleman was wrong.

MR. DODSON said, that it had already been explained that such a person was intrusted with the duty of seeing that the way was in proper condition, and, therefore, the master would be liable.

SIR HARDINGE GIFFARD said, he could not help thinking that the right hon. Gentleman misconstrued the words, seeing that "the permanent way was in proper condition." That, to his mind, did not refer to a person putting plates on a line, but to the person inspecting and superintending that work.

MR. SERJEANT SIMON said, that the proper way for the Government to deal with that matter was to accept the words of the hon. Member. He must say that, to his mind, it was not at all clear that a man working upon a railway would be included. It was all very well if an Inspector had to see that the way was in proper condition and neglected to do so, that the employer should be held liable; but he did not think that that should



apply in the case of an ordinary platelayer. He thought that the doubt which existed in regard to the matter would be removed if the words of the hon. Member were accepted.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that whether they were right or wrong, the insertion of the words proposed by the hon. Member for Wareham could not make it at all better. The words "charge or control of" surely included any person whose duty it was to see that the way was in proper condition. An ordinary platelayer was a man engaged in laying the railway.

LORD RANDOLPH CHURCHILL said, they had reference to the man known as the "ganger."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that a foreman of a gang was a person whose duty it was to see that the gang properly performed their work. He could not see how there could be any doubt that that person's duty was defined as a "person whose duty it was to see that the way was in proper condition." He could not understand why that question had been raised. The Bill made the Railway Company liable for not only Inspectors of the permanent way, but every person whose duty it was to see that the way was in proper condition.

MR. GORST said, he did not rise to continue the legal argument, but to say a few words in the interest of reason and common sense. That Bill was passed with the avowed object of stopping litigation. There they had a particular part of the Bill on which the Attorney General and Solicitor General expressed an opinion, and the late Solicitor General, the hon. and learned Member for Launceston (Sir Hardinge Giffard), expressed another. Hereafter, if one consulted the hon. and learned Member for Launceston he would give one opinion; if one consulted the Law Officers of the Crown they would give another. He ventured to state, on his experience as a lawyer, that, in circumstances like those, litigation was certain to ensue. They had an opportunity then of making the Bill clear. Would it not be better to do so, than to send it out in its present form?

MR. HOPWOOD said, that any person who wished to make himself disagreeable might make suggestions of the kind they had just heard by the score on

any such Bill. He believed that the hon. and learned Member for Launceston (Sir Hardinge Giffard) did not pledge himself to the view ascribed to him. He might be wrong in that; but he thought he only threw out a passing doubt.

SIR HARDINGE GIFFARD said, he certainly did entertain a different opinion from hon. and learned Gentlemen opposite.

MR. HOPWOOD said, that it might be that the Amendment, as it stood, was rather ambiguous. He could not however, suggest any better way of expressing what it was intended to convey, and he believed the Solicitor General was perfectly right as to the law on the point.

MR. HICKS said, that the hon. and learned Member who had just sat down had gone so far as to imply that the Amendment was not very clear. The fact was, that the Government had brought in a Bill dealing with a subject which that House was ready and willing to deal with, and when Amendments were brought forward, however hastily, they were accepted. They had been there something like two hours considering whether the Amendment would hold water or not. There was great difference of opinion upon the point; and he did think it desirable that some means should be devised, if possible, in order to avoid litigation. He, therefore, hoped that before the Amendment was agreed to they would fully consider what effect it was likely to have.

Question put, and *negatived*.

MR. GORST wished to asked the right hon. Gentleman whether he would object to leave out the word "locomotive?" Speeches were made early in the evening showing that on many railways the engines were not locomotive. It was quite possible that accidents might occur in the conduct of a fixed engine. He would move the Amendment for the purpose of raising the point.

MR. SPEAKER: There is another Amendment before that.

CAPTAIN AYLMER moved to insert the words "level crossing" before the word "signal." He did not think it would be possible to take any word that would include all cases of men employed on railways. In trying to meet all they would, as an hon. Member opposite had said, open a flood gate.

*Mr. Sergeant Simon*

Amendment proposed to said proposed Amendment, after the word "signal," to insert the words "level crossing."—(*Captain Aylmer.*)

Question proposed, "That those words be there inserted."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, if there was a level crossing where there were gates across the line, he imagined that the signalman must signal the line clear.

An hon. MEMBER: No; it is not so. In the country there is only one line.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he was speaking of the country. He was not sure that he understood the case the hon. and gallant Gentleman had put.

CAPTAIN AYLMER remarked, that accidents happened very often through men neglecting to close the gates when trains were due. Men in charge of the gates were drawn away to talk to somebody; they did not see to the gates; a train came along, the engine-driver was killed, or wounded, and all this did not come under the Bill, for the gate-keeper was not a signalman.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) understood that such a case as that would be met by the Bill. It would be a case of a person who was bound to see the way was in a proper condition. It was impossible to discuss every case.

MR. A. J. BALFOUR asked whether they were to understand definitely from the hon. and learned Gentleman that the case of a gate man on a railway was provided for in this Bill? He should also like to know on what ground they could say that a signal man was not included in the clause? If a gatekeeper was included, a signal man must be included.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, in the case of a gate that was an obstacle to the way being in good order, and sub-section 1 of Section 2 met it, because the person in charge of a gate-house should always see that the way was in good order.

MR. BRADLAUGH said, the gate-keeper was, as a matter of fact, in charge of a signal—"No, no!"—he trusted hon. Gentlemen would kindly listen. Every gate had a signal upon it, which in day time was an ordinary signal, and at

night was a lamp, which marked the line closed.

Question put, and *negatived*.

MR. GORST: I move now to omit the word "locomotive," for the reason I gave just now.

Amendment proposed to said proposed Amendment, to leave out the word "locomotive."—(*Mr. Gorst.*)

Question proposed, "That the word 'locomotive' stand part of the said proposed Amendment."

MR. DODSON appealed to the House, if it was their intention that the Bill should pass, whether it was worth while to keep on moving to insert one word after another, or to omit one word after another? He knew he had no right to complain of hon. Members who thought they could improve the Amendment by adding to it or taking from it; but he did appeal to the body of the House whether, if they were to make progress with the Bill, there must not come a time when they must decide on accepting the words of the hon. Member for Bristol "Aye" or "No?" The words of the hon. Member were on the Paper. Those Amendments were now being introduced to their notice without being on the Paper. The hon. Member's words were put on the Paper after very careful consideration, and not for the purpose of exhausting all cases of accidents or of common employment, but with the view of meeting the very flagrant cases which had given rise to the greatest amount of complaint—namely, where men were in control of some kind of machinery or engine, which placed in their hand a greater responsibility than if they had control of men. The hon. and learned Member now proposed to omit the word "locomotive," so as to include engines stationary or locomotive. He took this distinction. A locomotive engine was intended to meet the case of an engine-driver who had charge of a locomotive engine, and going from a distant station by neglect run over and killed, or injured, a man employed on the line who lived miles from the place where he started. Would the employment of that man be held to be common employment, and that the Railway Company ought to be held liable for the neglect? If they took the case of a stationary engine, and the men had been working together on the same

spot, they came to a different thing. They would then come to a class of cases where men were working together, and might talk the matter over. In conclusion, the right hon. Gentleman expressed a hope that the House would adhere to the words of the Amendment.

Question put, and *agreed to*.

Question,

"That the words '5. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway,'—(*Mr. Samuel Morley*),—be there inserted,"

put, and *agreed to*.

MR. COURTNEY said, at that hour of the morning he should be extremely sorry to divide on his Amendment. He wished, however, to make the lines of the Bill conform to what he believed was the fact. The Bill did not intend to give compensation to workmen.

MR. DODSON: I have an Amendment before that, which is little more than a verbal correction, in line 24, to leave out the words "or in Scotland."

Amendment proposed, in page 1, line 24, to leave out the words "or in Scotland."—(*Mr. Dodson*.)

Amendment *agreed to*.

MR. COURTNEY, resuming, said, the Bill, as supported by the Government and passed through Committee, did not give the injured workmen compensation for an injury, but gave him an allowance. It included a penalty, but did not provide that the penalty should be an exact equivalent to the injury that might be done. That might appear to be a mere verbal criticism. He thought that the substitution of the word "penalty" for the word "compensation" involved a very important idea. He believed that it was most desirable that the idea should be popularized that the law did not affect to give an equivalent to injuries received. As the Bill was altered, the employer was a limited contributory, and he wished to make the language of the Bill accord with the fact throughout its clauses.

Amendment proposed,

In page 1, line 25, to leave out from the words "the same right" to the word "work," in line 28, both inclusive, and insert the words "a

*Mr. Dodson*

right of action against the employer for the recovery of a penalty in respect of such injury."—(*Mr. Courtney*.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY GENERAL (*Sir Henry James*) said, notwithstanding what his hon. Friend had said, he could not understand this Amendment, which really was a verbal one, and nothing else. Whether what the workman was to recover was called penalty, or compensation, did not matter. He understood his hon. Friend objected because the Act did not give full compensation. He himself apprehended that in 99 cases out of 100 the full amount would be recovered; but it was not because, in the 100th case, the workman would not recover the amount that it was, therefore, a false description to call that which he received compensation. He trusted the House would not commence to alter phraseology, in order to carry out a vague idea.

Question put, and *agreed to*.

MR. WARTON begged leave to move that the House do now adjourn.

MR. SPEAKER: Will any hon. Member second that Motion?

MR. HICKS seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Warton*.)

MR. DODSON respectfully appealed to the House, after they had occupied so much time and attention on this Bill, and had got through nearly all the important points of it, whether they had not better continue, instead of delaying the completion of the Bill, and hindering its going to the other House?

LORD RANDOLPH CHURCHILL wished to point out that he did not think the request was a very unreasonable one. ["Oh!"] If the House wished to pass the Bill they would not do it by indulging in those remarks. It was no trouble to them to walk through the Lobby a dozen times if they wished to do so. He would point out that they had been sitting 12 hours. They had not yet passed Clause 1, and there were a great many more Amendments to go through. He did not wish to press it; but he did not think the hon. and learned

Gentleman was wrong in moving the adjournment of the House. Perhaps, after the expression of opinion, the hon. and learned Member would think it better to withdraw the Motion.

MR. MONK said, that, whether it was withdrawn or not, it must be palpable that the House was anxious to finish the Bill. [*Cries of "Agreed, agreed!"*] If, as the noble Lord said, they were prepared to walk through the Lobby five or six times—[*Cries of "Agreed, agreed!"*] he quite hoped the Government would adjourn to 12 o'clock that day to finish—[*Cries of "Agreed, agreed!"*]

MR. SPEAKER: The Question is that this House do now adjourn.

Question put, and *negatived*.

SIR HARDINGE GIFFARD moved an Amendment in the name of the hon. and learned Member for East Surrey (Mr. Grantham). He did not know whether the Government would admit it. He would not press it if the Government refused to accept it.

Amendment proposed,

In page 2, line 21, after the word "knew," to insert the words "or with ordinary care would have known."—(Sir Hardinge Giffard.)

Question proposed, "That those words be there inserted."

MR. DODSON said, it appeared to him, with all due respect to the hon. and learned Gentleman (Sir Hardinge Giffard), that the introduction of those words would place additional difficulty in the way of the workmen, and would rather raise a difficulty than remove one. For that reason, he preferred not to make the alteration.

CAPTAIN AYLMER said, he had discussed those words with the hon. and learned Member for East Surrey (Mr. Grantham), and he was of opinion that the word "knew" would be very hard to prove. If he wanted compensation for damage, the workman would take care this was not known. Men at work were very liable to conceal defects from their employers. If it were proved that the men must have known there were defects when an accident happened the words ought to be inserted.

Question put, and *negatived*.

MR. DODSON said, the Amendment he had on the Paper was one to meet

the wishes which had been expressed very generally when the Bill was in Committee. It was thought that the words at the end of the clause, "having no reasonable cause to believe," were not quite satisfactory; and it was suggested after the discussion, and it appeared to be generally accepted, that it would be better to substitute the words "unless he was aware," suggested by his hon. Friend the Member for South Durham (Mr. J. W. Pease). He, therefore, proposed that those words be left out, and that the words "unless he was aware" be inserted.

Amendment *agreed to*.

MR. THOMPSON hoped the Government would concede the clause he now proposed, which was designed to restrict the liability of persons engaged in mining. The 2nd section of Clause 1 defined the persons for whom the employers were to be liable. It was a very clear definition, and one which ordinary persons could understand, and was sufficient for all purposes. But sub-section 3 had a much wider range, and was, practically, in mining cases framed so as to include nearly all workmen. It came very near to doing away with the doctrine of common employment, which, it had been agreed, was not the intention of the Government. If this sub-section 3 was agreed to, it would be going very near to doing away with that doctrine, for its definition extended, or might extend, to any workman at some time or other. He was not speaking of general trades, for of those he had no knowledge; but in the particular business of mining, in which he was interested, nearly every person, from the manager down to the lowest person in the mine, had, at some time or other, power to give orders and directions. He took the case of a man in charge of a waggon, driving it and sitting on the shafts as he was ordered not to do, who ordered a fellow-workman to get out of the way, and who, in doing so, slipped, and was injured. Was that a fair case for which employers should be liable? He hoped the House would see that carelessness in framing the exceptions to this Bill might introduce principles which it was agreed they should exclude. He was not speaking of great employers of labour, like the hon. Member for Glamorganshire (Mr. Hussey Vivian), or

the hon. Member for South Durham (Mr. J. W. Pease). [An hon. MEMBER: Move.] He really thought the House must listen. He was very sorry to have to trouble them; but these matters were of very great importance to a large body of small employers of labour, whose interests would be put in jeopardy, and who might be ruined by any careless legislation in this matter; and, besides, he believed the interest of thousands of workpeople would be affected by this Bill. All this danger could be averted if the Government would concede the clause he proposed. The first part of the clause might be objected to as giving too much power to *employés*; but that was remedied by the requirement that the list should be signed by the Inspector of Mines in the case of mines, and by the Inspector of Factories in all other cases. He did not think that any more efficient check could be provided, for the Inspectors, of necessity, acted in the interest of the workmen; and if this clause was conceded, and the employers were compelled to hang up the notice in a public place, both they and their workmen would know exactly the persons for whose misconduct the one was liable and the other could recover. He hoped the Government would concede the clause, that employers might be able to carry on the great works in which they were engaged, and that in consequence of such works being closed—which might, and, he believed, would, happen if in these exceptional times of bad trade very heavy risks were incurred—large bodies of workmen might be turned adrift.

#### Amendment proposed,

In page 2, line 27, after the word "negligence," to insert the words "Under sub-section (3) of section (1) all employers are authorised to keep, hung up in a conspicuous place of the pay office of their places of business, a list of persons for whose orders alone under this section they shall be liable, which list, however, shall be of no effect until, in the case of mine owners, it shall have received the assent of, and, in confirmation thereof, shall be signed by, the inspector of mines of the district, and, in the case of all other employers, shall be in like manner signed by the inspector of factories of the district."—(Mr. Thompson.)

Question proposed, "That those words be there inserted."

MR. DODSON said, that that was a clause which they really could not possibly accept. The effect of it was that an employer would be authorized to

Mr. Thompson

put up a list of those for whom he was to be liable, and, as it would rest with him, the list would most probably be a very short one. That would defeat the object they had in view. Then, again, an employer, no matter in what business, was to have recourse to the Inspector of Mines or Factories, who would have, in most cases, nothing whatever to do with the business of the employer—for instance, if he were a builder, or in any such trade. He did not think that that Amendment ought to detain the House.

#### Question put, and *negatived*.

SIR GEORGE CAMPBELL said, his object in putting his Amendment on the Paper was to attempt to remedy what he thought would be universally admitted to be a great blot in the Bill—namely, that a child working in a factory, if injured, was to get compensation based on the three years' previous wages of the child. That was very little indeed. That he believed to be altogether inadequate to the injury received. He thought it would be admitted that a child who sustained the loss of a hand or leg received a greater injury than a grown man in the same circumstances, inasmuch as he had more life before him than the other. He believed the general opinion to be that the calculation on three years' wages was wholly inadequate in this case. He, therefore, proposed that the child should receive compensation limited not to three years of its own wages, but of those of a person of full age working in the like employment to that child. The difficulty lay in regard to the use of the words "of the same grade." A person of full age was evidently not of the "same grade;" and he, therefore, proposed to strike those words out. He submitted the proposal to the Government, and he hoped they would be able to see their way to accept it.

#### Amendment proposed,

In page 2, line 31, after the word "person" to insert the words "of full age."—(Sir George Campbell.)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he quite admitted that there was considerable force in the observations and arguments of his hon

Friend; but, still, he believed the words of the Bill should remain as they were. The fact of the child being able to receive compensation, as provided already by the Bill, put it in a better position than that previously occupied. There were, no doubt, many hard cases of injury—nothing could really compensate for the loss of a leg or a hand—but, at the same time, they ought not to cast too heavy a burden on the employer; and it should be remembered that the employer was receiving but a slight advantage from the services of the child. He thought that the House would agree to retain the words of the clause.

MR. GORST said, that was really an extremely important Amendment, and ought to have proper discussion. He was quite sure, however, that that was impossible at that hour. There was a determination to complete the Bill that night, and all the Amendments on the Paper could not be discussed adequately for certain. He wished to raise a feeble voice of protest against important matters, such as that affecting the interests of those who could not protect themselves, being slurred over without further discussion in that House at 3 o'clock in the morning.

Question put, and *negatived*.

MR. INDERWICK said, he had already drawn the attention of the right hon. Gentleman in charge of the Bill to the fact that it did not provide for cases in which a workman was killed. In consequence of a suggestion made by him, the Bill was amended, providing for an action within six months of the time of death. At that time the right hon. Gentleman said he would see that provisions were inserted in the Bill, if necessary, in order that employers, against whom an action was brought, should be put in the same favourable position as they would be if the action were brought against them under Lord Campbell's Act. Without fully discussing that matter, he would say that the employer was only liable to have one action brought against him; and that in case damages were awarded by a jury, they would, at the same time, declare in what shares the amount should be distributed. For those reasons, he had drawn up the Amendment which stood in his name. He had spoken to the Solicitor General on the subject, who

thought the Amendment just made in the 1st section would have the effect of putting employers in the position desired. He could not quite agree with the Solicitor General; and he should be glad if the House would accept his Amendment, in order that there might be a certainty with regard to the position of the employer, and that the doubts which existed might be removed. He begged to move his Amendment.

Amendment proposed,

In page 2, line 39, after the word "death," to insert the words "Provided always, That where the injury results in death the action may be brought by any person now entitled by Law to sue in respect of injury resulting in death, and the said action, and the apportionment of the damages thereby recovered, shall in all respects be subject to the provisions of the Acts ninth and tenth Victoria, chapter ninety-three, and twenty-seventh and twenty-eighth Victoria, chapter ninety-five, so far as they are not inconsistent with the provisions of this Act."—*(Mr. Inderwick.)*

Question proposed, "That those words be there inserted."

THE SOLICITOR GENERAL (SIR FARRER HERSCHELL) said, he believed it would be impossible to accept his hon. and learned Friend's Amendment, inasmuch as the present Bill was to apply to Scotland as well as to England. The Proviso, which it was proposed to add to the end of the clause, was wholly inadequate to meet the case of Scotland. He thought his hon. and learned Friend would see clearly the difficulty in regard to that matter. There was nothing new in that Bill. It only said that in certain cases people, hitherto debarred from bringing an action, should have the same right as people upon whom that bar did not apply, as regarded the procedure in the Courts under the Judicature Acts. His hon. and learned Friend said that, in certain cases, reference should be made to Lord Campbell's Act. But, inasmuch as that only referred to England, the cases of Scotland and Ireland were entirely left out of the question.

MR. INDERWICK said, he had merely done what he believed to be his duty in bringing that matter forward; and he should, therefore, not ask the House to divide upon the question. The responsibility, of course, rested on the Law Officers of the Crown.

MR. SPEAKER: Does the hon. and learned Member wish to withdraw the Amendment?

MR. INDERWICK: No, Sir.

Question put, and *negatived*.

MR. BRADLAUGH said, he had an Amendment to move, which arose out of an Amendment of his hon. Colleague (Mr. Labouchere), but did not go so far as that Amendment. Clause 4 required that notice of an action should be brought within six weeks. He proposed to add to that clause a Proviso, meeting the cases where notice could not well be given. Children, for instance, left in a comparatively destitute state, say, from the death of the father by an accident, were not in a position to give notice, perhaps, at the time, and the legal personal representative had very often not the means of taking out letters of administration, or of immediately communicating with the employer. He trusted that the Government would accept the Amendment.

Amendment proposed,

In page 2, line 33, after "injury," to insert "Provided always, That, in case of death, notice may be dispensed with, in case the Judge shall consider that there was reasonable excuse for such notice not being given.—(Mr. Bradlaugh.)"

MR. DODSON said, he believed they might safely accept those words.

Amendment *agreed to*.

MR. DODSON begged to move the next Amendment.

Amendment proposed, in page 3, line 15, after "Court" to insert "but may."—(Mr. Dodson.)

Amendment *agreed to*.

Amendment proposed, in page 3, line 16, to leave out "but may."—(Mr. Dodson.)

Amendment *agreed to*.

THE SOLICITOR GENERAL (Sir FARREY HERSCHELL) moved the next Amendment.

Amendment proposed,

In page 3, line 34, after "session," leave out to end of line 39, and insert "at the instance of either party, in the manner provided by, and subject to the conditions prescribed by, section seven of 'The Sheriff Courts (Scotland) Act, 1877.'"—(The Solicitor General.)

Amendment *agreed to*.

SIR HARDINGE GIFFARD said, he could not help thinking that the framers of the Bill had made a mis-

take in the expression "workman," in page 3, line 30, and in using the clumsy phrase of referring to another Act in order to understand what that one meant. He supposed the Government did not intend to exclude a railway guard; and he would, undoubtedly, be excluded by reference to that Act only. He would remind the House of the definition of the expression "workman." It did not include a domestic or a servant, but a labourer ordinarily engaged in manual labour. Now, it was manifest that railway guards, clerks in the office, &c., were not included in the meaning of the statute, and that certainly was not the intention of the Government. He, therefore, believed that the Government would accept the Amendment which he was proposing, otherwise there would, undoubtedly, be a great disappointment.

Amendment proposed, in page 3, line 30, after "means," to insert "railway servants, and."—(Sir Hardinge Giffard.)

MR. DODSON said, he apprehended that the intention of the hon. and learned Gentleman was that, by a mere technicality, railway servants should be excluded. He should be quite willing to accept the Amendment.

Amendment *agreed to*.

MR. COURTNEY moved to leave out "a" after "means."

Amendment proposed, in page 3, line 30, after "means," to leave out "a."—(Mr. Courtney.)

Amendment *agreed to*.

MR. JAMES HOWARD said, he was quite sure that he should only be consulting the wishes of the House by abstaining from any lengthened observations in support of his Amendment; but the subject was one of such considerable magnitude that he must be allowed to say a few words. He had not advocated that farmers should be excepted in the Bill from the consequences of defects in their machinery; but they knew that in the case of live animals, to hold them responsible for their defects, was a totally different thing. There were defects in temper and habits connected with them which was not the case with other stock. In such cases of accidents it would be very difficult to prove how far a workman or labourer had contributed, by his

own negligence, to any accident from which he might suffer. He believed it would often be most difficult to prove the case, when the man had contributed to the accident, in cases where live animals were concerned. Let them take one instance, which was a common practice at a farm—namely, turning out horses to water. On returning he would suppose that a horse, blind of one eye, ran against a ladder on which a man was thatching a stack, and killed or injured him. It would be a curious question for ingenious lawyers to determine, whether or not that accident was caused by a defect in the animal itself, or carelessness on the part of the employer. On that account, he hoped the Government would be able to accede to his proposal. Such a meaning as that against which his proposal was directed was never intended to be included in the Bill; and, in fact, it would be remembered that the right hon. Gentleman the President of the Local Government Board had offered, during the debate upon the second reading, to take the word "stock" out of the Bill. For his own part, he had great misgiving with regard to its retention; but he must, without troubling the House with further observations, leave the matter in its hands. He begged to move the Amendment which stood in his name.

#### Amendment proposed,

Page 4, line 10, after the word "applies," to insert the words "for the purposes of this Act, the expressions 'plant' and 'stock-in-trade' shall not be deemed to include live animals."—(*Mr. James Howard.*)

Question proposed, "That those words be there inserted."

MR. DUCKHAM fully indorsed the views of the hon. Member. He felt the importance of having these words added to the Bill, and he thought the subject impressed itself on the attention of every hon. Member. The hon. Gentleman spoke of a blind horse going against a ladder; yet there must be many cases in which the master could not be liable for what an animal did.

MR. BROADHURST said, he hoped the House would retain the clause. It was fully adopted early last week and decided that the expression should remain in the Bill, and that live animals should be included. ["No!"] That was clearly so, or there would be no

necessity to move its exclusion at this stage.

#### Question put.

The House divided:—Ayes 25; Noes 63: Majority 38.—(Div. List, No. 116.)

Bill to be read the third time upon *Monday* next.

#### EAST INDIA REVENUE ACCOUNTS.

*Ordered*, That the several Accounts and Papers which have been presented to the House in this Session of Parliament relating to the Revenues of India be referred to the consideration of a Committee of the whole House.—(*Lord Frederick Cavendish.*)

Committee thereupon upon *Tuesday* next, at Two of the clock.

House adjourned at a quarter after Three o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, 16th August, 1880.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Consolidated Fund (No. 2) \*.

*Second Reading*—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3) \* (192); General Police and Improvement (Scotland) Provisional Order (Forfar Gas) \* (189); Fraudulent Debtors (Scotland) (193). *Committee*—Local Government Provisional Orders (Bethesda, &c.) \* (116); Railways Construction Facilities Act (1864) Amendment \* (180-196).

*Committee—Report*—Married Women's Policies of Assurance (Scotland) \* (188); Spirits \* (184); Drainage Boards (Ireland) Additional Powers \* (183).

*Third Reading*—Metropolitan Board of Works (Money) \* (186), and *passed*.

## TREATY OF BERLIN—THE GREEK FRONTIER.

#### MOTION FOR AN ADDRESS.

LORD STRATHEDEN AND CAMPBELL, who had given Notice that he would call attention to the Papers on the recent Conference at Berlin; and to move—

"An humble Address to Her Majesty for any diplomatic correspondence which has passed with foreign powers on the subject of a naval demonstration to effect a change of frontier between Greece and the Ottoman Empire,"



said: My Lords, my attention at one time was to reason at considerable length against a naval demonstration with a view to alter the Greek Frontier, having last Monday touched with brevity upon the subject. The hope, however, that the project is abandoned, together with the lassitude of Parliament, may be allowed to have considerable influence in shortening the treatment of the question. The Papers on the Conference at Berlin, which have just reached us, seem to me to indicate—first, that Her Majesty's Government must be considered as the authors of the projected Conference; secondly, that the Sublime Porte have given cogent reasons for declining the projected Frontier; thirdly, that those reasons have not been encountered yet by any diplomatic answer. It would be now of much importance to distinguish accurately between the case of Greece and that of Montenegro. The demand of Montenegro stands upon the Treaty of Berlin. The demand of Greece has neither contract, public law, or European policy to shelter it. It involves, moreover, an attempt to base an arbitrating on a mediating process—the two, as international proceedings, being quite distinct from one another. However, Her Majesty's Government are, perhaps, in a condition to assert that any naval demonstration which they sanction will be exclusively on the Montenegrin question. In that case, there would be no reason to detain the House with a variety of arguments which might be otherwise desirable. As regards the Correspondence on the naval demonstration, it is useless to engage the Secretary of State and his Department to produce it if they have determined to withhold it. My impression is, that, if produced, it would be the most effectual bar to a proceeding which does not tend to any of our objects. The noble Lord moved, according to the Notice, for the Correspondence.

*Moved,* That an humble Address be presented to Her Majesty for any diplomatic correspondence which has passed with foreign powers on the subject of a naval demonstration to effect a change of frontier between Greece and the Ottoman Empire.—(*The Lord Stratheden and Campbell.*)

LORD DENMAN said, that the noble Lord in his speech had assumed that there would be a naval demonstration as to either Montenegro or Greece. He (Lord Denman) deeply regretted both

*Lord Stratheden and Campbell*

Tchesme and Navarino, and hoped that a fatalist race would not be driven to desperation and their own destruction by any threat; and he, therefore, hoped the noble Earl the Secretary of State for Foreign Affairs would not gratify the curiosity of the noble Lord.

EARL GRANVILLE: As I understand the noble Lord, he does not intend to press his Motion. As to his demand for further information, it is not often that I find myself able to agree with the noble Lord opposite (Lord Denman); but on this occasion I am inclined to follow his advice. This day week I made a statement respecting this subject, which I thought went as far as the interests of the Public Service justified me in going, and I do not know that there is any good ground for my adding anything to what I said last week.

LORD STANLEY OF ALDERLEY said, that it was to be seen, by a despatch in the Papers lately presented to Parliament, that the noble Earl the Secretary of State for Foreign Affairs had endeavoured to secure some protection for the Mussulmans inhabiting the territory which he was claiming for Greece; but these precautions would be entirely insufficient and illusory. It should have been provided that if Greece obtained this territory, the Mussulmans should receive from Greece 30 years purchase for their lands, and the costs of removing to another country, otherwise the permission to manage their property, or to sell it, would be futile. This had been proved recently in Bulgaria. But this difficulty of sale did not exist only for Turks; it had been the same in the case of Englishmen. The late Mr. Finlay had often told him that he would have left Greece; but he was unable to do so, having invested all his property in Greece, and being unable to sell it again. As for the Mussulmans remaining on their lands after they were transferred to the Greek Kingdom, it would be impossible for them to do so; the few that had remained in Euboea had been reduced to great extremities and misery.

LORD STRATHEDEN AND CAMPBELL remarked, that although the noble Lord (Lord Denman) was adverse to the Motion, he had declared himself opposed to any naval demonstration whether for Greece or Montenegro. As the noble Earl the Se-

cretary of State had not given even the limited assurance which he (Lord Stratheden and Campbell) had suggested, it was much to be feared that before the Session closed some new proceeding might be requisite.

Motion (by leave of the House) withdrawn.

#### FRAUDULENT DEBTORS (SCOTLAND)

BILL.—(No. 193.)

(The Lord Chancellor.)

##### SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, it was a Bill for the abolition of imprisonment for debt, and to provide for the better punishment of fraudulent debtors in Scotland, and for other purposes. The Bill was one which followed very much on the lines of the English Act on the same subject, with one specified exception, and would place the law in Scotland with respect to fraudulent debtors exactly on the same footing as it was in England. As he understood that part of the Bill in which there was an exception which did not exist in England, it was one which had reference to the subject of the relations existing between husband and wife, because one of the exceptions from the abolition of imprisonment for debt was the non-payment of any sum of money which was decreed for aliment. In all other cases except taxes, fines, penalties due to Her Majesty, or rates or assessments, imprisonment for debt would be abolished. There was, however, one provision in the English Act which it was not necessary to import into the present one, that which had reference to debtors for sums under £50, and which gave to persons employed the power of proceeding in bankruptcy for salaries and wages to that amount. That provision was not necessary in Scotland, because in that country there was a law to enable claims made for wages to be settled in the County Courts. There was one provision among others enabling a notour bankrupt, constituted by insolvency concurrent with a duly existing charge, to present a petition for *cessio bonorum*, and there were various provisions with respect to the handing over

of property to trustees. The main object of the measure was to assimilate the law as much as possible between England and Scotland.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(The Lord Chancellor.)

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

#### LORD PLUNKET'S INDEMNITY BILL.

##### QUESTION. OBSERVATIONS.

LORD BRAYE inquired, Whether, in consequence of two noble Lords having to be indemnified by Acts of Parliament for inadvertently voting before taking the Oath this Session, the Government will consider it advisable to place a Notice in the Princes Chamber, or otherwise publicly notify the obligation of taking the Oath and subscribing the Roll at the beginning of every new Parliament? He thought this subject deserved great attention, as it was not every Peer who was initiated in the Forms of the House. If some Circular were issued among the Parliamentary Papers, or a Notice was posted up, as he had suggested, at the beginning of every new Parliament, it would be very useful.

THE LORD CHANCELLOR said, that before his noble Friend answered this Question, he should like to be permitted to say a few words on the subject, because he observed that a serious misapprehension had gone abroad with reference to the circumstances in which Lord Plunket's Indemnity Bill had been brought in and passed through their Lordships' House. In some quarters it seemed to be supposed that Lord Plunket had voted in one important division in this House—that on the Compensation for Disturbance (Ireland) Bill—without having taken the Oath. That was an entire misapprehension. Lord Plunket had taken the Oath some time before he voted on that Bill; but, having for a time been wholly ignorant that it was necessary for every Peer to take the Oath in a new Parliament, he had sat in the House this Session, and had voted for the Burials Bill—he did not know whether on any other occasion—before he became aware of his mistake. Nothing could have been more accidental or in-

advertent than the omission in this case. Of course, every Peer ought to know that to take the Oath in a new Parliament was necessary; but it appeared that some of their Lordships did not know it. As to the suggestion of the noble Lord, perhaps no better Notice could be given than that which would be imparted by the Indemnity Bills and this conversation.

LORD DENMAN remarked, that illiterate people constantly pleaded ignorance of the law without avail; but their Lordships had not the same excuse. It was unfortunate that the case had excited so much public attention; but if the matter was contested, he should be happy to contribute his quota towards the fine, if any were inflicted. Another noble Lord (Lord Byron) had made the same mistake. In future, however, noble Lords should be careful to take the Oath before taking their seats and voting; and he (Lord Denman), reminding their Lordships that he had on the second reading of that Bill alluded to a noble oak near Newstead Abbey having been saved from the wreck of Lord Byron's, the poet's, fortune—as many neighbours had subscribed to save it from the axe—expressed the same wish to aid the noble Lord (Lord Plunket) and vindicate the law; and if his (Lord Denman's) speech on Lord Byron's Bill had been duly reported, Notice would have been given to the noble Lord.

EARL FORTESCUE said, that although he had sat in that House for many years, and though he had taken the Oath at each successive Parliament, he, nevertheless, required to be reminded of his duty at the beginning of this Parliament. And a question having been asked him whether it was not necessary to take the Oath, he had told his friend that he did not think so. The form easily escaped one's memory; and it would do no harm, and, indeed, would be a good thing, to have a reminder in some way of the absolute duty of renewing the Oath at the beginning of each Parliament.

THE EARL OF REDESDALE (CHAIRMAN OF COMMITTEES) said, he really thought it was generally known that every Peer should take the Oath at the beginning of each Parliament. They had gone on for centuries without any such Notice; and if a Notice was put up

as suggested by the noble Lord (Lord Braye) it would not be of much use.

EARL GRANVILLE said, he felt inclined to agree with his noble Friend the Chairman of Committees. The Question was put to the Government; it was, however, not one for the Government to answer, but for the House to decide. It was a matter for consideration whether they should tell noble Lords what they ought to know. If it was considered necessary to remind noble Lords of their duty on one particular point, it would be equally necessary to give them a reminder on all.

#### WATER SUPPLY (METROPOLIS).

##### QUESTION. OBSERVATIONS.

EARL FORTESCUE, in rising to call attention to the water supply of the Metropolis, and to ask Her Majesty's Government, Whether, considering the injury caused to the public health in the metropolis by the stagnant detention of water in butts and cisterns on the intermittent system of distribution, considering the excessive loss of life and property caused by the same system, and considering the high and increasing rates paid for such water supply, the Government have offered any other terms for the purchase of the Water Companies' works now that the terms lately proposed have been rejected; and, whether in the event of the non-acceptance of such other terms, if offered, the Government are prepared to take compulsory measures to arrest the continuance of the evils declared by several successive Parliamentary Committees and Royal Commissions to arise from the existing conditions of the metropolitan water supply? said, the question was one in which he had taken a great deal of interest for a number of years. Improved water supply was as indispensable as improved sewerage and house drainage, and neither could be efficient without the other. He would remind their Lordships that the first General Board of Health, many years ago, recommended that the source of supply should be springs instead of rivers; that cisterns should be superseded by a constant high-pressure house service and by high-pressure hydrants in the streets; and that there should be created for the water supply a Public Trust, the Companies being paid their existing dividends, and some addition

for their prospective increase of profit. At that time the capital was £6,000,000, with a 5 per cent dividend; but now they all knew that it would be very cheap if they could pay off their large capital with a 10 per cent dividend. If the arrangements so long ago recommended had been adopted, a whole generation would have enjoyed a larger supply of water, with increased protection for hydrants; and it might be stated that there would have been two-thirds less in loss of life from fire; and, indeed, two-thirds of the serious fires in London might have been prevented, while economies would have resulted from the consolidation and unification of the staffs of the Companies which would have sufficed to cover the expense of many of the most needed sanitary improvements at that time. He was happy to find that one Municipality after another was recognizing the importance of getting the gas and water under their own control; and, as a necessary consequence, in a land of law and justice, were paying heavily for their own tardiness in buying up the private undertakings. In 1874, a Committee of the Society of Arts was appointed to investigate the means of preventing or reducing the spread of fires, a topic which necessarily involved the whole subject of water supply. That Committee, with leave, examined the specialists, the chief Government officers of the Local Government Board. The Committee, very much on the evidence so derived, framed a scheme, which was embodied in a Bill brought forward by a private Member. That Bill provided for placing the whole of the water supplies in a Public Trust, very much as proposed by the first General Board of Health, and was submitted to the Local Government Board, and was adopted, as regarded all its most important features, by the former President of that Board (Mr. Sclater-Booth). No doubt, if the measure had been allowed to remain in that competent Department and in his hands, it would have been brought forward long ago, satisfactorily for the consideration of Parliament. But, unfortunately, from a change of administrative treatment of an anomalous character, it was not allowed to remain with him, or in charge of that Department. The measure was essentially a sanitary measure, and the proper subject of the special Sanitary Department, which had grown

up, however rudimentarily, into the Local Government Board, which, in order to prepare or to aid in the preparation of such measures, had a staff of officers specially qualified for this duty, as sanitary engineers, medical officers of health, and other officers. The chief sanitary engineer of this Department—a member of the Council of the Institution of Civil Engineers—was distinguished as a specialist in the work of water supply, as having proposed to take the water from Bala Lake to Liverpool in 1847, and who subsequently executed successful works in a number of towns, on the sound principles elaborated by the first General Board of Health. This officer had also sat on a Commission of Inquiry on the existing London trading Water Companies. He and the Department were assisted by a water examiner for the Metropolitan water supplies, and also by an auditor of the expenditure of the Companies. The chief sanitary engineer also happened to be specially conversant with the purchase of trading Water Companies by towns to put them into public hands; and the principles and practice advised by him, and sanctioned by his chiefs, had given general local satisfaction. On the other hand, there was the old Home Department, not of sanitary administration, but chiefly of police and penal *quasi*-judicial administration, with legal duties and appropriate legal officers, but no longer with any sanitary duties left, or staff of sanitary officers whatsoever. Strange to say, to the head of this non-sanitary Department was confided the preparation of this great sanitary measure. It was said to be given to him because the measure was large, and he was a Cabinet Minister. The commentary on this strange course of proceeding was that, instead of elevating, it plunged the measure into deplorable blunders—the result of ignorance, and the want of proper advice. No one who had watched the public career of Sir R. Assheton Cross could doubt his great ability in dealing with questions which he understood. His successful solution of the difficult problem of the legal relations to be established between masters and servants sufficiently proved this. But neither he nor the Home Office were qualified for this particular task. Later on, and by the present Government, there were arrangements made with respect to this important branch of sanitary ser-

vice, which showed how imperfectly it was understood or really regarded. There was a right hon. Member of the last Government but one, a man of science, and, indeed, a specialist on sanitary subjects, who had served on the Commission for inquiring into the Health of Towns, and had made a very able Report on the sanitary condition of Lancashire. He had been called upon, from his special knowledge, to preside over a Select Committee of the other House on the Thirlmere Scheme for the supply of water to the great City of Manchester. Here, then, was the square man for the square hole. But, no; he was put into the round hole—the Chairmanship of Committees; whilst the round man, a lawyer, experienced as a Chairman of Committees, where *quasi*-legal questions had to be treated, was put into the square hole—the Presidency of the Local Government Board. Nevertheless, with the aid and the advice of the specialists there, he might have avoided the errors and the costly delay consequent on the previous arrangement, assigning the measure to the chief of the non-sanitary Department. It was, however, not to the President of the Local Government Board, but to the head of the non-sanitary Department, that this great question of the sanitary administration of the Metropolis was again remitted; and it should be remembered that, great as Sir William Harcourt's oratorical powers evidently were, he had had no administrative experience before, as he had been only one of the Law Officers in Mr. Gladstone's last Government. The consequence of the first default in assigning the measure to the head of the non-sanitary Department was the unadvised and alarming announcement that large sums of money would have to be raised for the purchase of the Companies' undertakings—an announcement at variance with the measure proposed by the first General Board of Health, and the measure proposed by the Society of Arts, and accepted by the Local Government Board. It was finally set aside by Mr. E. Smith, the able Government valuer, who showed, conclusively, that no new capital whatever need be raised; that the existing dividends, and of future augmented dividends to which the Companies were legally entitled, would suffice; that nothing more than what the ratepayers were now liable to pay would be required from them;

*Earl Fortescue*

whilst they would enjoy all the benefits derivable from the economies of consolidation, which Mr. E. Smith made out would amount to £170,000 a-year; though the Society of Arts Committee made them out to be more than that. The next great financial error committed by the ill-advised Home Secretary was the announcement that he would take, as the basis of the purchase, the last value of the shares in the stock market. This created a great uproar, and it was given up as erroneous. But, strange to say, it was retained by his successor, the present Home Secretary, and retained, as appeared in the Report, after the very effective exposure of it by Sir Edmund Beckett, who showed that the price in the market was the price that the few who were obliged to sell were compelled to take, and not the price which many who had invested, as in a Trust, would, or ought to be forced to, accept. A reference to the Local Government Department for information would have shown that no such basis was ever taken in practice, or could be maintained in reason. And this basis was the more unnecessary, as the income of the Water Companies could be perfectly ascertained by reference to the examination of the accounts in the Local Government Department. The conclusions of Mr. E. Smith had been attacked on incidental grounds, the insufficiency of which had been clearly demonstrated by Sir Edmund Beckett. The absurdity of the principle became apparent, if it was tested by application to Turkish, or Spanish Stock, or any other depreciated Stock in the market. The cross-examination of Mr. E. Smith, a gentleman of the highest integrity and ability, which he himself had described as like that of a thief's witness at the Old Bailey; which had injured his health, and, in Sir William Jenner's opinion, probably caused the death of that much esteemed and lamented public servant, was conducted in a manner which he (Earl Fortescue) considered quite unjustifiable. He was not defending the exact terms of the arrangement; he did not understand the details of the question enough for that; but the measure certainly required a high degree of knowledge and special science; and to whom was it now proposed to leave the interests of the population of the Metropolis? Why, to the Metropolitan Board of Works, whose

expensive water schemes had been examined and condemned for their gross incapacity, as might be expected from a body, whose whole administration he had not very long since publicly described as "costly mismanagement;" and, next to the Corporation of the City of London, whose proposals were proved to be little better; and, lastly, to representatives of the Vestries, of whose probable qualifications he could only too well judge after his experience as Member for Marylebone. It was to be hoped that Her Majesty's Government would not set aside the special knowledge which it had had the means of acquiring, and would afford the House better grounds for confidence in any future measure to be presented. The right hon. and learned Gentleman (Sir William Harcourt), speaking at a public dinner, had given it as his opinion that the works carried out by the Metropolitan Board of Works had been executed at a dirt-cheap rate; but he (Earl Fortescue) ventured to controvert that opinion. They had high scientific authority for stating that the whole of the Metropolitan district could be re-sewered on better principles for a less sum than the cost of constructing one of the existing gigantic outfalls. Instead of considering the works initiated by the Metropolitan Board "dirt cheap," and the cost of management moderate and economical, he thought the ratepayers of the Metropolis had great reason to regret the enormous increase in the rates they were called upon to pay. He expressed a hope that Her Majesty's Government, as a whole, would not share the views of the Home Secretary, and that they would not hand over highly responsible duties to a body which had no special qualification for their discharge; but that they would mature some well-considered system, and see that it was carried out under Governmental responsibility. Before bringing his remarks to a close, he ventured to say that the language used by the Home Secretary in the Report of the Select Committee was calculated to cause, and, in point of fact, did cause, some alarm to those who had invested their capital in undertakings sanctioned by Acts of Parliament. He knew from private letters he had received the amount of alarm that had been created among those who were interested, and those letters agreed with

one which appeared in *The Times* of Friday last. The writer dwelt on the inexpediency of shaking public faith in Acts of Parliament. Capital was one of the shyest, most timid, and sensitive of creatures; and he hoped that nothing the Government would do would tend to drive it away, and to discourage its application to these and other commercial undertakings.

THE EARL OF FIFE hoped their Lordships would not expect him to go into the whole question which had been raised by the noble Earl. He gave every credit to the noble Earl for the interest he took not only in this, but all sanitary questions. Nor could he deny that the question of a pure, abundant, and continuous water supply to the Metropolis was a question of vast importance, and the Government was not likely to underrate it. Such a supply would, no doubt, contribute a great deal to the health of the Metropolis, and was also necessary for the protection of life and property in case of fire; but, while fully admitting this, he would, at the same time, venture to point out to the noble Earl that the Report on which his Question was founded had only been published a week; and, considering the dignity to which this question had been raised during the past year, he did not think that it would be thought unreasonable that the Government should not be prepared to deal immediately with the vast interests involved in it. He could inform the noble Earl that the Government had not offered any fresh terms for the purchase of the existing Water Companies, as they had no powers to dispose of the moneys of the ratepayers out of which such purchases would have to be made. With regard to the latter part of the noble Earl's Question, he might say that the Committee of the House of Commons which sat upon the question of the water supply of the Metropolis had recommended that an independent water authority should be constituted, with adequate powers to deal with the whole question. Her Majesty's Government would, in due course, take measures to give effect to the recommendations of that Committee.

House adjourned at half past Six o'clock,  
till To-morrow, a quarter before  
Five o'clock.

## HOUSE OF COMMONS,

*Monday, 18th August, 1880.*

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—Class III.—LAW AND JUSTICE, Votes 15, 16, 17, 19, 20, 22; Class IV.—EDUCATION, SCIENCE, AND ART, Votes 6 to 13; Class V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES, Votes 1 and 2.

PUBLIC BILLS—Ordered—First Reading—Ground Game\* [312].

Committee—Merchant Shipping (Carriage of Grain)\* [287]—R.P.

Committee—Report—County Courts Jurisdiction in Lunacy (Ireland)\* [306].

Considered as amended—Third Reading—Post Office Money Orders\* [172], and passed.

Third Reading—Courts of Justice Building Act (1865) Amendment\* [307], and passed.

## QUESTIONS.

## PETTY SESSIONS FINES IN IRELAND.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, If, next Session, he will introduce a Bill to assimilate the law in Ireland as to fines and fees in petty sessions courts to that enacted by the 40th and 41st Vic. c. 43, in England, whereby the justices' clerks are paid fixed salaries, unaffected by the amount of fines on convictions, and thus remove all suspicion of regarding the officials in Ireland in the number of fines and convictions?

MR. W. E. FORSTER: In answer to the hon. Gentleman I beg to say that this is a matter in which we can do nothing this Session.

## THE ECCLESIASTICAL COMMISSION.

MR. ARTHUR ARNOLD asked the honourable Member for the Isle of Wight, Whether it is the intention of the Church Estates Commissioners for England and Wales to make another appointment in place of the late Mr. E. J. Smith as receiver for the northern district, and upon the same basis as to remuneration?

MR. EVELYN ASHLEY: Sir, the receivership of the estates of the Ecclesiastical Commissioners for the Northern district was held by the late Mr. Smith conjointly with his two partners in the firm of Smiths and Gore. This firm,

therefore, continues at present, without any new appointment, to carry on the business as before. Whether there shall be any change in the future, and, if so, of what nature it shall be, will most probably be a subject for the consideration of the Commissioners after the Recess.

## UNIVERSITY EDUCATION (IRELAND) ACT, 1879 — SCHEME OF THE SENATE.

MR. SEXTON (for Mr. FOLEY) asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will inform the House whether the Senate appointed under the University Education (Ireland) Act of 1879 have yet submitted to the Lord Lieutenant a scheme for the better advancement of University Education in Ireland; in pursuance of the 9th section of the Act; and, if it is probable that the scheme will be submitted to Parliament before the end of this Session?

MR. W. E. FORSTER: Sir, no scheme has yet been submitted to the Lord Lieutenant; and as the Senate has only held one meeting I do not think it probable that any scheme will be submitted this Session.

## LAW AND JUSTICE—OBJECTING TO SWEAR OR AFFIRM.

SIR HENRY PEEK asked the Secretary of State for the Home Department, Whether his attention has been called to the case of a person named Ross, who, on the ground that he was an Agnostic, and could therefore neither swear nor affirm, was lately excused by the Recorder of the City of London from serving as a jurymen; and, whether it is open to others of Her Majesty's subjects desirous to shirk such duty to do so on the same ground?

SIR WILLIAM HARCOURT, in reply, said, he had communicated with the Recorder, who had replied that in this particular case the person was excused on the ground of conscientious objection, and he had not reason to suppose that that objection was taken for the purpose of shirking the duty.

## REPRESENTATIVE ASSEMBLIES (FOREIGN).

MR. THOMASSON asked the Under Secretary of State for Foreign Affairs,

Whether he will, in view of the Notices given for next Session by the honourable Members for Montrose District and for Stoke on Trent, procure information from Her Majesty's Representatives in France, Germany, Italy, Austria, Spain, Switzerland, Belgium, Sweden, Norway, Denmark, Holland, the United States of America, and Canada, respecting the usual hours of meeting and adjournment, and the time occupied in the Sessions of the Representative Legislative Assemblies of those Countries?

SIR CHARLES W. DILKE: Sir, Her Majesty's Representatives abroad will be instructed to procure, as far as possible, the information which is asked for by the hon. Member.

#### STATISTICAL ABSTRACT FOR THE UNITED KINGDOM—EDUCATIONAL STATISTICS.

MR. WILLIAM CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been drawn to the marked decrease in the number of marriages in Ireland during the year 1879, as shown by the "Statistical Abstract for the United Kingdom in each of the last fifteen years," just issued to Members, wherein it appears (Table 64) that they have fallen to 23,313, or below the average of the twelve preceding years (the term embraced in the Return for Ireland) by 3,596, being 149 less than the total for Scotland where the population is below that of Ireland by 1,702,298; and, as it appears from a foot note appended to the table, that—

"Owing to the defective Registration in Ireland, the figures of births, deaths, and marriages in this part of the United Kingdom are only an approximation to the real numbers;"

whether he can state if the cause of such defective registration is not connected with the small amount of remuneration given to the registrars in Ireland, and will any steps be taken to improve the system in future?

MR. W. E. FORSTER: Sir, I am informed by the Registrar in Ireland that the errors in the registry of births are slight, and that the registration of deaths is probably not defective. There is no doubt there are deficiencies in the registration of marriages, and I believe they arise chiefly from the fact that

Roman Catholic priests are not under the same obligations to keep the registry books as the clergy of other denominations. With regard to the suggestion of the hon. Member for the increased remuneration of the registrars in Ireland, I do not propose to take any steps for the purpose this Session. I think it is a matter that should be thoroughly inquired into.

MR. WILLIAM CORBET asked the Secretary to the Treasury, with reference to the Statistical Abstract for the United Kingdom for the last fifteen years, placed in the hands of hon. Members on this day, How it has occurred that, while Irish Statistics under all other heads are embraced in the Abstract, all mention of Ireland under the head of Education is omitted; and, whether, as it appears from Table No. 66, page 144, headed "Education Branches of Expenditure from Parliamentary Grants for Primary Schools in Great Britain," that £2,514,089 have, on the whole, been granted in 1880 for England and Wales, and £340,849 for Scotland, he can state the amount, if any, granted for Ireland under a similar head, and will direct that in all future statistical abstracts the grants to Ireland for educational purposes shall be included?

MR. CHAMBERLAIN: Sir, the Statistical Abstract referred to by the hon. Member is a short and general summary compiled from the longer Returns on special subjects, which are published separately and at length. It is often difficult to say what should and what should not be included in this summary; but it is obviously desirable to make it as short and as self-consistent as possible. As regards educational statistics, those of Great Britain are furnished by one Department, while those for Ireland are furnished by a different Department and in a different form. I will, however, cause the matter to be looked into to see whether a summary of the latter can be conveniently added. Further information on the subject of educational statistics in Ireland will be found in the volume of Miscellaneous Statistics of the United Kingdom, pages 36-39. I am sorry to say I am not able to give him the amount granted in Ireland for primary schools as compared with the amount given in England and Scotland; but the total



expended out of Votes of Parliament in respect of public education was £681,414.

#### RAILWAY ACCIDENTS — PROPOSED REGULATIONS AS TO FAST AND EXPRESS TRAINS.

MR. MACFARLANE asked the President of the Board of Trade, If, for the safety of the travelling public, he would take into consideration the desirability of enforcing upon Railway Companies some such regulations as the following:—That the timing of express and other fast trains should not exceed that which experience has shown to be attainable with punctuality; that high average speed should not be attained by leaving it to the discretion of drivers to make up lost time by exceeding between stations or stopping places the average rate at which the train is timed; that when express or other fast trains have started beyond time, or have lost time, they shall be bound to arrive at their destination proportionately late; that no train shall be driven at high speed against facing points; and, whether he is in possession of any evidence tending to show that Railway accidents are chiefly due to unpunctuality, and unpunctuality is due to attempts to attain a higher speed than is attainable, with certainty, in rivalry with competing lines.

MR. CHAMBERLAIN: Sir, the question whether, and to what extent, unpunctuality is the cause of danger is one on which a great deal of difference of opinion exists; and I cannot, perhaps, do better than refer the hon. Member to the Report of the Railway Accident Commission of 1877, in which the subject is fully discussed. I have no evidence to show that express and other fast trains are more unpunctual than other trains, and I cannot say that it would be desirable or practicable to enforce upon Railway Companies any of the regulations referred to in the Question of the hon. Member.

#### LOWER THAMES VALLEY DRAINAGE SCHEME — REPORT OF THE INSPECTOR.

MR. BRODRICK asked the President of the Local Government Board, Why the Report of the Inspector on the

Lower Thames Valley Drainage Scheme has not been made public; and, whether he can state to the House the conclusion which has been arrived at in consequence of that Report?

MR. DODSON: Sir, it is altogether an exceptional proceeding to make the Reports of the Board's Inspectors public, and in those cases where they relate to matters upon which the Board have to decide *quasi-judicially* it would be impossible to undertake to do so—at all events, until their decision had been given. This inquiry relates to a question of very great difficulty, and the evidence extends to 2,300 folio pages. To master these details must, of course, be a work of time, and additional delay has arisen in consequence of the necessity which has arisen of referring the case back to the Inspectors for further explanation. I trust, however, that immediately the pressure of Parliamentary Business has ceased I shall be able to arrive at a decision upon the question and communicate the result to the parties interested.

MR. WARTON asked the President of the Local Government Board, Whether the Inspector's Report, after forty-five days' hearing, has not condemned the drainage scheme of the Lower Thames Valley Main Sewerage Board?

MR. DODSON: Sir, the question whether or not this scheme should be adopted is one to be determined by the Local Government Board; and, at all events, until they themselves have arrived at a decision upon the question, it would be irregular to give an intimation as to any recommendation which may have been made to them on the subject by their Inspector.

#### IRELAND—CARLISLE BRIDGE, DUBLIN.

MR. DAWSON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that two of the Metropolitan Police, a force directly under Government control, have been placed to watch the tablets on the new bridge across the Liffey, bearing the inscription Carlisle Bridge; and, if so, by whose authority, and for what reason they have been so placed?

MR. W. E. FORSTER: Sir, in reply to the hon. Gentleman, I beg to state that I am informed that police were

*Mr. Chamberlain*

placed on Carlisle Bridge by the order of the Chief Commissioner of the Dublin Metropolitan Police, who says that he did so in order to facilitate the general traffic over the bridge, and also to prevent any injury to any part of the structure.

#### IRELAND—TROOPS AND CONSTABULARY.

MR. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, the number of troops and constabulary at present employed in Ireland?

MR. W. E. FORSTER: Sir, on August 1 the Irish Constabulary Force numbered 11,442 men, including county and sub-inspectors. According to a Return furnished me by the military authorities, the aggregate strength of the Army in Ireland was 20,710 officers and men on August 1. Since that date a force of 1,000 Marines has been sent to Ireland in order, as I stated a few days ago, to fill up the gap caused by small detachments of troops being sent to different places in Mayo and neighbouring counties.

MR. T. P. O'CONNOR asked whether it was the intention of Her Majesty's Government to send additional troops to Ireland?

MR. W. E. FORSTER: There is no such present intention.

#### ROYAL IRISH CONSTABULARY—PROMOTION IN THE HIGHER GRADES.

MR. REDMOND asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is intended, in the event of vacancies occurring in the higher grades of the Royal Irish Constabulary, to act upon the recommendation of the Commission of 1866, that the appointments should be practically left to the Inspector General, with the intent that he should apply them to the promotion of the deserving officers within the force?

MR. W. E. FORSTER: Sir, I cannot give any pledge on this subject. Without doubt, the Inspector General ought to be responsible for their appointments; and they should be made, as far as possible, in accordance with the suggestion made in the Question.

But the first consideration must be the efficiency of the force; and, after all, the Government is responsible for these appointments.

#### IRELAND—REPORTED DISTURBANCE AT LOUGHREA.

MR. SEXTON asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has any information to communicate to the House with respect to the following statement in the London Papers of the 11th inst. :—

“In the neighbourhood of Loughrea, while some farmers were posting bills announcing a large meeting in the west to protest against the late action of the House of Lords in rejecting the Compensation for Disturbance (Ireland) Bill, the police attempted to tear the placards down, and were repulsed by the people, who defied them, and the officers were ultimately obliged to return to the police station;”

and, whether the Government will take steps to secure that the police shall not in the present state of Ireland provoke dangerous collisions with the people?

MR. W. E. FORSTER: I am informed, Sir, that there is not the slightest foundation for the statement in the newspapers that a collision took place between the police and the people engaged in placard posting. Some time after the placards had been posted, two copies were taken down by the police for the information of the Constabulary authorities, and no attempt was made to interfere with that being done.

#### TREATY OF BERLIN—THE SLAVE TRADE IN TURKEY.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, Whether, in the event of the Great Powers “placing on record their intention not to demand further concessions” from the Porte than those prescribed by the Treaty of Berlin, care will be taken not to bar the right of Great Britain or of Europe to insist on the extinction of the slave trade?

SIR CHARLES W. DILKE: Yes, Sir. Of course my hon. Friend is right in thinking that the engagements of the Porte with regard to the suppression of the Slave Trade cannot in any way be affected by its execution of the provisions of the Treaty of Berlin.

# NORTH BORNEO COMPANY—GRANT OF CHARTER.

MR. WHITWELL (for Mr. RYLANDS) asked the Under Secretary of State for Foreign Affairs, Whether it is true that a trading charter has been granted by Her Majesty's Government to the North Borneo Company?

SIR CHARLES W. DILKE: Sir, the application is under consideration, and no final decision has yet been come to.

# CORRUPT PRACTICES AT ELECTIONS—COMMISSION OF INQUIRY.

SIR GEORGE CAMPBELL asked Mr. Attorney General, If he can yet say when he proposes to move Addresses to the Crown for Royal Commissions in the case of constituencies in which the Judges have reported extensive bribery and corruption to exist?

MR. S. LEIGHTON asked whether it is proposed to make any distinction in those cases where the Judge reported corrupt practices did exist and those in which they reported that they believed them to have existed?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, that, as far as the formal Motion was concerned, the Government made no difference. That would be a matter for the House to express its opinion upon. In answer to the hon. Member for Kirkcaldy (Sir George Campbell), he must say that no date had been fixed, and all he could promise was to obtain the earliest day possible.

# PARLIAMENT—AFGHANISTAN—MILITARY OPERATIONS—GENERAL ROBERTS'S MARCH.

MR. GORST asked the Secretary of State for India, Whether the Government will undertake not to advise Her Majesty to prorogue Parliament until the result of General Roberts' march has been ascertained?

THE MARQUESS OF HARTINGTON: Sir, the Government do not consider it necessary to undertake that Parliament shall not be prorogued until the result of General Roberts's march has been ascertained. I am afraid that it is in the power of the hon. and learned Gentleman, if he thinks it necessary, to secure that object. The House will, perhaps, be glad to hear what information I have in reference to General Roberts's march.

The first telegram which I have received is the following, from the Viceroy:—

"Simla, August 14, 1880 — (Personal).— With reference to Questions asked in the House of Commons, General Roberts strongly in favour of despatch of force from Cabul to Candahar, and simultaneous withdrawal of Stewart from Cabul."

I think that it is unnecessary I should say that that is not in answer to any telegram of mine; because, as I have already informed the House, I feel sufficient confidence in the military authorities in India not to trouble them with questions which might appear to show distrust in their judgment. The next from the Viceroy is dated August 14.— Stewart telegraphs—

"With reference to yours of 11th (Roberts's supplies) there is no ground for alarm about supplies on the road. Sheep, grain, and forage plentiful at this season. Roberts has all European supplies for a month, but there will probably be a difficulty with regard to tea, sugar, and rum, at Candahar, but the troops will do very well without those for a time, though every effort will be made to push them on from Scinde."

The following telegrams do not refer especially to General Roberts; but, no doubt, the country and the House will be glad to hear the last news from Afghanistan. The Viceroy, 15th August:—

"No telegram to-day. Cabul news, country quiet. Not a shot fired last night at Seh Baba. News from Cabul yesterday states city quiet. Ameer had occupied Sherpur."

On the same day Viceroy telegraphs as follows:—

"Following from St. John. Begins Candahar 11th. All well. Defence and demolition completed. Enemy throwing up siege works, at present insignificant. He has about 37 guns of which six are 12-pounder Armstrongs, 4,000 or 5,000 infantry, 2,000 cavalry, and varying numbers of Ghazis, perhaps averaging 5,000. Provisions, except fresh meat and forage, abundant. News from Khelat to 4th: All well there and quiet. Rumours having reached tribes from Cabul, no general rising appears to have taken place yet, except immediately round Candahar. Wounded officers are doing well. One or more officers said to be captives in Ayoub's hands. Have written to ask them. Cabul army encamped at Jugdulluck to-day."

The following has just arrived to-day:—

"Simla, August 16, 1880. Following from Agent Governor General, Quetta, dated 16th.—The military post at Kach Amadadai was attacked at four in the morning by Pathans, who were beaten off, losing 80 killed. Troops pursued enemy two miles. Telegram from Chaman last night stated letters arrived there from Colonel

Tanner, Khelat-i-Ghilzai, 12th August.—Country was quiet, and supplies in fort abundant. Tanner says he will be able to help Roberts with supplies."

**SIR WALTER B. BARTELOT** asked the noble Lord, Whether it is true that the loss of General Burrows is not nearly so great as was at first stated?

**THE MARQUESS OF HARTINGTON:** I think I mentioned in the House—at all events, there has been sent to the newspapers—the last account that has been received, and certainly I think they show that the loss, as at first reported, was exaggerated.

**MR. COWEN** asked the noble Lord, Whether he has any information as to their being an alliance or communication between Ayoub Khan and Abdul Rahman?

**THE MARQUESS OF HARTINGTON:** No, Sir, I have no information, except what I have seen in the newspapers. It appears to be believed that it is highly improbable that any understanding exists at this moment, whatever understanding may have existed formerly. I do not place very great confidence in the trustworthiness of these Afghan Chiefs; but I think it must be evident that the interests of Abdul Rahman and Ayoub Khan are at this moment absolutely divergent, and I do not think it likely that any understanding exists between them.

**MR. S. LEIGHTON** asked the noble Lord, Whether he can give the House any information as to how Ayoub Khan got provided with Armstrong guns?

**THE MARQUESS OF HARTINGTON:** Sir, I inquired some time ago as to this circumstance. My information is that they probably formed part of the armament in possession of the late Ameer, Shere Ali, who was known to possess at Cabul a very large supply of warlike stores of all kinds, including Armstrong guns. I believe that part of them, at all events, were manufactured at Cabul.

#### AFGHANISTAN — MILITARY OPERATIONS.

**SIR H. DRUMMOND WOLFF** asked the Secretary of State for India, Whether he can state the dates at which orders were given for the advance of General Burrows' force and the consequent order for reinforcements from Scinde, together with the respective

dates of the revolt of the troops of the Wali, the defeat of General Burrows, and the orders for General Phayre to advance on Candahar; and, whether he can inform the House if any explanation has been received at the India Office from the Governor General of the omission to order the advance of reinforcements to Candahar on the receipt of the intelligence of the revolt of the Wali's troops, which formed more than one-half of the force at the disposal of General Burrows, and about three-sevenths of the troops under the united command of Generals Burrows and Primrose, and of the reasons which induced the delaying of such orders until intelligence had been received of the disaster to General Burrows?

**THE MARQUESS OF HARTINGTON:** Sir, the date at which orders were given for the advance of General Burrows's force, and the consequent orders of reinforcements from Scinde, was the 1st of July. The revolt of the troops of the Wali took place on the 14th July. The defeat of General Burrows took place on the 27th July, and the orders to General Phayre were given on the 28th July to the effect that he was to advance when he could do so with security. He was expected to be able to do so on the 15th or 20th of August. I have already stated to the House that, according to the best information I have, the Wali's troops never formed part of the forces under the command of General Primrose or of General Burrows. I am not aware that any orders for reinforcements were issued upon the receipt of the intelligence of the mutiny of the Wali's troops, because a battery of Artillery, the 15th Foot, the 1st Madras Light Cavalry, and the 9th and 24th Native Infantry, had been ordered up 10 days previously from Scinde; while, two days previously, two regiments of Native Infantry, on the line of communication were under orders for Candahar, the head-quarters, one of which regiments reached Candahar on July 13. As there seems to be some misapprehension as to the amount of the Candahar force, I may state that, including the troops at Candahar and Khelat-i-Ghilzai, and on the line of communications, there was a force of not less than 11,000 men. I do not wish to make any imputation upon the policy of the late Viceroy; but I must ask the House to recollect that the dis-

positions of the force considered necessary for Candahar were not made by Lord Ripon, but by the late Viceroy, and it was within a fortnight of the arrival of Lord Ripon in India that the first authentic information was received of Ayoub Khan's march from Herat to Candahar.

SIR H. DRUMMOND WOLFF : Would the noble Lord inform the House whether General Primrose telegraphed for reinforcements?

THE MARQUESS OF HARTINGTON : I am glad the hon. Member has asked the Question, because I can state that when the decision was come to that General Burrows should advance to the Helmund, orders were given by the Government of India to send reinforcements to the Candahar force, which were all that were considered necessary by the Commander-in-Chief, and more than were asked for by General Primrose.

#### SCIENCE AND ART—THE ASHBURNHAM COLLECTION.

MR. DAWSON asked the Vice President of the Council, Whether the Government have taken any, and, if any, what steps to secure for Ireland the ancient and valuable MSS. relating to that Country contained in the Ashburnham Collection now offered for sale?

LORD FREDERICK CAVENDISH : Sir, the Irish manuscripts alluded to by the hon. Member formed part of what is known as the "Stowe manuscripts" in the Ashburnham Collection. There were some negotiations between the Trustees of the British Museum and the Earl of Ashburnham with regard to the Stowe manuscripts; but the price asked was £50,000, which was much above the estimate of their value formed by the authorities of the Museum, and the negotiations fell through. The Trustees then offered to treat for the Irish manuscripts, and certain Anglo-Saxon charters separately; but the Earl of Ashburnham declined.

#### CIVIL SERVICE (INDIA).

MR. GIBSON asked the Secretary of State for India, How many covenanted civil servants retired on pensions "proportioned to actual residence" under the Despatch of Lord Salisbury, dated 13th July 1876, up to the 31st March 1877;

*The Marquess of Hartington*

whether any covenanted civil servants obtained such a retiring pension after 31st March 1877; and, if so, why extension of time was granted; besides the retiring pensions, were any other, and, if so, what measures adopted to remedy the block of promotion; and, have the rules laid down in the Despatch of 13th July 1876 been extended to any other province besides the North West Province of Bengal Presidency?

THE MARQUESS OF HARTINGTON, in reply, said, only one covenanted Civil servant—North and West Provinces and Oude—retired up to the 31st of March, 1877, under the graduated scheme of pensions sanctioned by Lord Salisbury in 1876. But, in all, 17 serving under the Government of India, and 13 under that of Bombay, retired under that scheme; because, owing to the pressure of work arising from the Famine, the limit of time originally assigned for the retirements was extended to 1878, and, in one exceptional case—that of a gentleman selected for a high appointment in the India Office—to 1879. Other measures were adopted to remedy the block of promotion, and these were—the grant of a bonus on retirement to every military officer of a certain standing in Civil employ, and to uncovenanted officers holding appointments in the non-regulation Provinces. Besides these measures to aid promotion, the condition of Civil servants was further improved by the grant to many of them of personal allowances for a limited number of years. Lord Salisbury's Despatch of the 13th of July, 1876 (No. 70), referring only to the civilians in the North-West Provinces; but the rules laid down in it were subsequently extended to all parts of British India, except the Presidency of Madras.

#### PARLIAMENT—PUBLIC BUSINESS.

MR. W. H. SMITH asked the Secretary of State for India, What would be the order of Business during the present week, and whether there was any intention to take the Indian Financial Statement with the Speaker in the Chair?

THE MARQUESS OF HARTINGTON : Sir, the House is aware that we propose to proceed with the Civil Service Estimates to-night; and I hope, to-morrow, at 2 o'clock, to make the Indian Financial Statement with the Speaker in the

was that the Justices had themselves been obliged to consider the matter, and had come to the conclusion that their powers ought to be increased. He had with him a copy of the proceedings at the last Conference, at which a resolution was passed, that he thought would be admitted to be a most temperate and moderate one. It was—

“That in order to secure for persons confined the personal rights to which everyone is entitled under the law, and to promote the better administration of the prisons, it is desirable that the powers and authority of the Visiting Justices should be increased.”

That was a desire, he considered, expressed in the most moderate language; and it was made in no spirit of assumption. The resolution went on to say—

“Whereas the Visiting Justices do not desire to assume duties to be performed by anyone else, their opinion is that those duties which may properly be confined to the Visiting Justices should not be performed by anyone but themselves.”

The fact was, that they had local knowledge and authority, and the duties could not be so well carried out by other people. There were many other subjects brought forward at the Conference to which he had referred. One was the question of the education of prisoners. When a man was shut up for four or five years, or one year, as the case might be, it was not to be supposed that his mind was to be left an utter blank, and nothing be done towards improving his mind and making him a better member of society. That subject had been carefully considered by the Visiting Justices, and they had, under their old system, been in the constant habit of attending the classes of the prisoners, in order to see whether the instruction was suitable to the understanding of the prisoners and properly conducted. Under the present system of cellular instruction, each member of the prison was to have education imparted to him in his cell. By a simple arithmetical calculation one arrived at the fact, that if there were five hours a-day for instruction and 150 prisoners in the gaol, there were two minutes for each, not allowing for the time occupied by the schoolmaster in running from one cell to another. Such an arrangement was a farce. He was aware that the same reason had been given for that cellular instruction—namely, that it was more economical

than the system of classes. That might be true, that it cost less money; but he denied that it could be of advantage at all. He would say that it was an absurd waste of money to pretend to give instruction in any such way as that. The minds of prisoners at the best of times were not well cultivated, and they gave two minutes to each of them each day. As to the books used in prisons, it might be supposed that the Visiting Justices would probably be the best persons in the world to consult upon that subject, and yet that was a matter which devolved upon the Commissioners. Without impugning the capacity of their knowledge as to the requisite books, he ventured to say that the Commissioners were not in a position to judge of what books were required. There was one thing in regard to that which was a shocking one—namely, that for the first month the only book of instruction and amusement was the Bible. He should like to know whether it was probable that that was the best way in which a prisoner could improve his mind in the slightest degree? The effect of it must be to cause him to entertain a disgust for the Book which might be a comfort and a blessing to him during his confinement. There were many other points with which he would not trouble the Committee. In regard to the punishments by Governors, he must say that, in some respects, they appeared to be uncontrollable, except by law. They had proposed to control them, so that the Visiting Justices, who were constantly in the habit of inquiring into mal-practices, might be able to restrain them in some way. There was also the question of those imprisoned for debt, and the question of warders. With regard to the latter, it might appear to be a simple one to those unacquainted with prisons; but it was not so. Some warders were kind and considerate to prisoners, and yet carried out their duties with firmness and without oppression; but the Visiting Justices had but little to do with the engagement of those men. It was a local matter, and certainly ought to be within their province. With reference to the removal of prisoners, he would say that that also was, in his opinion, within the province of the Visiting Justices. Very often, prisoners were taken out of their own county and sent into another, where they had no friends and

the hon. Member for Halifax (Mr. Hutchinson). A Committee sat to inquire into this subject last Session, or rather the Session before, and an elaborate Report from it was presented. The late Government gave the House a distinct pledge that the Committee's Report should not be acted upon without the House having an opportunity to express an opinion. He understood the right hon. Gentleman to say that, at this late period of the Session, when there was necessarily a very limited opportunity for discussion, it was proposed to take this Vote. He wished to ask the First Commissioner of Works, If, as far as he could, and as far as circumstances would permit, he would allow the House to have an opportunity of debating that Vote?

MR. ADAM: The Vote will be taken as a Supplementary Estimate, and there will be the same opportunity of discussing it as in the case of all other Estimates of that character.

#### HOUSE OF COMMONS—THE LIBRARY.

SIR ALEXANDER GORDON asked the First Commissioner of Works, If he will see whether it would not be possible to admit fresh air into the Library of the House by causing the upper parts of the windows to be opened in a similar manner as the windows of the Members' Dining Room are opened?

MR. ADAM, in reply, said, he would be glad to examine into that complaint, and, if possible, to remedy it.

#### EMPLOYERS' LIABILITY BILL.

MR. GORST asked Mr. Attorney General, Whether the Employers' Liability Bill was decidedly restricted in its operation to workmen actually engaged in manual labour, or whether the Government would so amend the Bill as to extend its provisions, as was done in the case of railway servants about three o'clock in the morning on Saturday, to all employes who had by the existing law no remedy against their employers for injuries caused by the negligence of a fellow-servant?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, the Question was one that ought to have been put to the President of the Local Government Board rather than to himself.

*Mr. J. Cowen*

It certainly was not the intention of the Government to alter the Bill in that respect on the third reading. The point raised by that question had been fully discussed in Committee in connection with the case of domestic servants, and the Committee had expressed a strong opinion upon it. The alteration made on Saturday morning was necessary in consequence of the Government having accepted the Amendment of the hon. Member for Bristol (Mr. S. Morley).

#### POOR LAW (IRELAND).

MR. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to the statement in the London Press that the Board of Guardians of the Strand Union, London, have decided henceforth, in the case of in-door paupers over sixty years of age, not to enforce the compulsory separation of husband and wife; and, whether, if this statement be correct, he will bring the subject to the notice of the Poor Law authorities in Ireland in order that such a humane course may be adopted in that country also? The hon. and learned Gentleman added that since he had given Notice of the Question, he had discovered that this humane regulation had been adopted not by one London Union alone, but by five.

MR. W. E. FORSTER said, that so far as he could learn, the rule in England as to the separation of husband and wife was, that when over 60 it was not enforced, and the Guardians had discretion in cases where one was over 60. So far as he could learn there was no such regulation in Ireland, and, without going carefully into the reasons, he could give no opinion as to whether there ought to be a similar regulation there. He should be glad, however, to learn that such a course was possible.

MR. A. M. SULLIVAN asked the right hon. Gentleman, If, during the Recess, he would direct the attention of the Irish Poor Law authorities to the necessity of importing this humane regulation into Ireland?

MR. W. E. FORSTER said, he hoped to do so; but his hon. and learned Friend would be aware that his attention had been attracted to a great number of questions which would have to be considered in the Recess.

of themselves, a class against whom every hand was raised. It was stated by one of the Governors of prisons that he never thought of believing the statement of a prisoner; and that if a complaint were made, it was just as well that it never had been made. They had that in evidence. He knew they were not all like that; the Governor of their own gaol, for instance, was a man who would not entertain such feelings, but rather was ready to show pity towards outcasts from society, for whom nobody would say a good word and everybody a bad one. They were entitled to justice and might have it. He firmly believed that the sole means of having a real inspection of prisons was by the duty being allowed to devolve upon an independent body of gentlemen, who were able and willing to undertake it. He trusted that the Secretary of State for the Home Department would be able to give them some assurance on the subject.

SIR WALTER B. BARTTELOT said, that he should not detain the Committee; but he wished to say that he was very much indebted to his hon. Friend the Member for Bedford (Mr. Magniac) for the clear way in which he had stated what he believed ought to be done in the case of the Visiting Justices. As he (Sir Walter B. Barttelot) understood it, his right hon. and learned Friend the Secretary of State for the Home Department was anxious that the Visiting Justices should have greater powers, for he believed that he had stated as much to the deputation which had been already referred to. He was exceedingly sorry that the right hon. Gentleman the late Secretary of State for the Home Department was not there; for it was rather unfair to the right hon. and learned Gentleman who was at present filling the Office, and who had, as it were, just taken over that large concern, to attack him in any way, if Questions were asked and were not as satisfactorily answered as if his Predecessor had been present. He (Sir Walter B. Barttelot) quite agreed with the hon. Member for Bedford, that the power of Visiting Magistrates required consideration. Great discrimination was required in order that the duties of those Justices should not clash with those of the Commissioners. The Justices had nothing to do with the expenditure and the general manage-

ment of prisons; but they ought to be able to see that the Governors did their duty. He thought, at any rate, that the latter was a subject with regard to which they ought certainly, in certain ways, to be allowed to interfere. A case occurred the other day in his own personal experience. He looked over the Governor's book, and saw that he had omitted to enter any particulars for a certain number of days. He questioned him upon it, and the Governor said—"It has been passed by the Commissioners, and the Visiting Justices have nothing to do with it." He (Sir Walter B. Barttelot) replied that he would see about that, and an entry was accordingly made in the book, to the effect that the Governor had not entered any particulars in the book for a certain number of days. When he was a Visitor at one of the County prisons, he had always insisted upon an entry being made by the Governor from day to day, so that they might know everything of consequence that occurred, and whether the Governor himself was doing his duty. If there were no entry, they could not be sure that he had been there at all; and he believed that such an omission as that to which he had referred would not have been reported by the Commissioners to the Home Office. He was sure that the right hon. and learned Gentleman would consider the subject of those Justices, and he should wait patiently in the expectation that something would be done to improve the position of those who had such serious work to perform. There was another point upon which he wished to touch. He had always been against the transfer of the gaols, and he had both spoken and voted against that transfer. The gaols were now in the hands of the Government, and they had a right to ask whether what was said by the late Secretary of State for the Home Department would be the effect of the transfer—namely, a great reduction of expenditure—had taken place? They wanted to know the expenditure of the gaols in the year 1877, and the two or three years prior to that, and then to have those figures compared with those of succeeding years; so that they might see whether that great saving, which was the only condition upon which that House sanctioned the transfer, had resulted. As regarded prison labour, whether it was a good or bad thing, they ought not to allow it



the law in counties, had an opportunity of seeing the effect of punishments upon prisoners, and of observing, from time to time and year to year, the general results of the punishments as administered in those districts, and the decrease or increase in crime which was due to the different modes of punishment resorted to. The duty of seeing the effect of punishments, was in fact, one of the most praiseworthy a Justice had to perform. He was sure that no one would pretend to say that if, under the old system of 50 years ago, where boys and girls were brought up for capital punishment on a Monday morning, the Justices could have seen the effect of their sentences, that barbarism would have lasted as long as it did, especially, also, if the Judges had reported that such modes of repressing crime were useless. He (Mr. Magniac) believed that a better education and culture of the masses of the people had gone a long way to render the effect of the punishments now-a-days as important as was that of capital punishment 50 years ago. When a man was immured within four walls, who could tell the amount of suffering which he undoubtedly underwent? He believed that suffering was much more in such a case as that, than in that of a hardened ruffian who went out of the world without knowing nor caring where he was going. He thought that immuring people, as under the existing regulation, was a matter of the utmost care and solicitude. Whenever a scandal did occur, as little as possible was said about it; but they ought to be careful that, in suppressing the matter, they were not laying themselves open to, perhaps, a greater scandal some day, by which the whole system would be overturned. A statement was made, a few nights since, by an hon. Member, no doubt, in perfect good faith; and the way in which he made it showed that he believed it. He (Mr. Magniac) thought, at the time, that probably the hon. Member had been misinformed of the facts; but the circumstances which he mentioned showed that a strict and constant supervision over our criminal classes in prisons was abundantly and urgently required. It was by a strict supervision alone that cruelty and unnecessary punishments would be avoided, and such strict supervision could only be carried out by such men as those to whom he had already alluded. Each

year, since the passing of the Bill of 1877, the Visiting Justices had held a Conference in London, and the whole question of prisons was, so far as time permitted, carefully and conscientiously considered. They had laid their heads together, and endeavoured to secure justice for the unfortunate people in prisons, and that punishment should be meted out with the two-fold object only of the prevention of crime, and the reformation of the prisoner. The first point which was invariably brought forward at those Conferences had been the imperfect powers of Justices. The right hon. Gentleman the Secretary of State for the Home Department of the late Government, who was not then present, when he brought in his Bill, on more than one occasion told them, with very open mouth, that the Justices had very important duties to perform; and he (Mr. Magniac) was rather amused at the right hon. and learned Gentleman below him, the present Secretary of State for the Home Department, a few nights since, seeming to have caught the infection, for he also gave them the usual Home Office formula—namely, that the Justices had very important duties. He (Mr. Magniac) could only say, that Justices of the Peace had, no doubt, important duties to perform; but the Justices of a Visiting Committee, as members of that Visiting Committee, had by no means such important duties, and rather less powers, than an outside Justice. For instance, a member of a Visiting Committee could only in that capacity, under certain circumstances, inflict a punishment of 14 days; whereas an ordinary Justice could give a month. The only advantage, in fact, that the Visiting Committee had over ordinary Justices was the right to visit the prisons, and unfortunate people condemned to death. The latter, in fact, was the only extraordinary power they possessed. When, therefore, it was said that the members of Visiting Committees had most important duties, he was inclined to doubt whether the Government that brought in the Bill had given sufficient attention to the subject of the duties intended to be allowed to devolve on those Justices. He felt certain that from the way in which the Bill had been drafted, and the subsequent rules, that proper attention had not been given to that subject. The consequence

*Mr. Magniac*

judging from that, he might say that whatever else might be the effect of the change, it would probably be an economical one. He believed that he had replied to all the points that had been raised, and he would assure the Committee that he would do all in his power to strengthen the hands of the Visiting Justices in the important duties they had to perform. He felt sure that gentlemen would not be willing to undertake those irksome duties unless they felt that they had a real power, and one which was respected both by the Prison Commissioners and the Secretary of State, so that they might be able to recognize the fact that they were engaged in an office really and practically of public utility.

MR. GORST said, he had one or two observations to make to the Committee with regard to the expenses of the new system. When the Prisons Act was passed, it was said that a great saving would be effected. The way to see whether that was so or not, was by watching the Estimates carefully to see whether the Prisons' Vote grew or not. Upon the face of it, it appeared that there was a decrease of a little more than £3,000. He wished to ask the right hon. and learned Gentleman the Secretary of State for the Home Department, whether that was not apparent only, and that, in reality, there had been an excess? The Votes which were reduced were those, apparently, capable of being so by the assistance of prison labour; and he should like to know whether he was right in his conjecture, that the Votes, such as victualling and clothing and repairs, shewed a diminution that was due merely to the fact that the labour of the prisoners was employed upon those works? Because, if that were so, the charge this year amounted to £50,000 more than last year. Last year they received £60,000 from the labour of prisoners in the manufacture of articles that were sold; and, instead of that, they then had merely a small diminution in the sub-heads to which he had alluded, together with a small sum under Exchequer Extra Receipts. If, therefore, they put that apparent decrease, and the miscellaneous receipts, together with the actual proceeds of prison labour, it would appear that in the present year the real increase of expenditure was a sum of upwards of £50,000. If that were so, it was exactly

in accordance with what he had conjectured when the prisons were transferred. It was a most unsatisfactory result; and, if he were right, he thought it most misleading to show an apparent decrease, when, in reality, there was a considerable increase in the expenditure this year. He should like to have the matter cleared up.

MR. ARTHUR PEEL said, that the point raised by his hon. and learned Friend the Member for Chatham (Mr. Gorst) was one worthy of consideration; because, undoubtedly, the main question did turn upon the diminution which was to occur when the change was made from local to Imperial management. He would refer the Committee to the Papers before them. The first decrease was shown as £6,000, in the case of victualling of prisons. That diminution had been regulated according to the expenditure of 1879-80. The next showed a decrease of £1,150. That reduction would be effected by taking up all the articles of clothing used by the prisoners. Item G showed an increase in six or seven prisons in regard to appliances and furniture—such as bedding, &c. Item H showed the same estimate as that of previous years. Item L, which was for soap and scouring articles, showed a decrease of £1,100 from that of the previous year. The whole, he believed, would show a considerable decrease from former years. As to the question, What had been the effect of the transfer?—they could not obtain a fair judgment as to the result. His hon. and learned Friend had referred to the estimated product of prison labour for the years 1879-80 as being £60,000. He (Mr. Arthur Peel) did not hesitate to say that that Estimate had been made on wholly unreliable data. It was impossible to arrive at anything like an accurate estimate of that labour, by comparing the few years during which the new system had been in existence with the same number of years under the old system. The question, after all, was—were they tending in the direction of economy? He thought that economy had resulted from the change. His right hon. and learned Friend had referred in his speech to the pay of the staff and the reductions that had been made. The pay of those officers amounted to two-fifths of the whole cost of prison management. He believed that as much as £80,000 would

no means, perhaps, of communicating with them. The Commissioners of Prisons knew nothing whatever of the harshness there was in removing prisoners from their own locality to another. As to the question of prison labour, it was far too large for him to go into on that occasion. With regard to it, he would merely say that if there was a matter in which local knowledge was required it was that. There might be industries struggling, as it were, between life and death, which it would be unwise to deal with. The hon. and learned Member for Dewsbury (Mr. Serjeant Simon) had shown, some short time since, how the greatest injustice prevailed in respect to mat-making, and other industries, in gaols. That, he (Mr. Magniac) asserted, was a question which was most especially one which the Visiting Justices were competent to deal with, and one which the Commissioners, from their ignorance of the state of particular districts, could not handle. All those points had had the greatest consideration at the Conference of Justices. They were matters with regard to which very much depended upon the way in which they were carried out, and were intimately connected with the administration of justice and the management of prisoners and prisons. He was quite aware that people outside, when they heard of the Visiting Justices of prisons, attributed much greater power to them than they possessed; and, consequently, a false impression was created. He thought it was unfair to those Committees to ask them to undertake duties which they had no means of efficiently carrying out. Frequent representations had been made to Home Secretaries, as to the necessity of giving increased powers to the Visiting Justices, and the answer given had invariably been that the subject was being considered. He supposed that it was being considered then, for he was not aware that as yet any decision had been come to. Someone had said that if the responsibility was taken away, there could be no interest. That was exactly what they felt. The responsibility had been taken away, and their interest must inevitably die out; it could not be otherwise. He believed that the feeling of the Committee was strongly in favour of independent inspection of convict establishments. A Royal Commission which sat to inquire

into the matter had reported most strongly in favour of the appointment of independent Inspectors, whose duty it should be to stand between the prisoner and the gaoler. Up to the year 1877, that machinery existed, as he believed, in a most efficient form. They had gentlemen who were willing to undertake those duties; but the Act of 1877, he (Mr. Magniac) did not hesitate to say, so impaired their powers that it was a matter of great discouragement to many of the Visiting Justices. He felt sure that if the system which existed at the present time was allowed to continue, some great scandal would certainly happen. The late Secretary of State for the Home Department differed from him on that point, and it was quite natural that he should do so. He had brought in the Bill, in order to take over the prisons; but he seemed to have neglected the fact that a severe strain was put upon the system. At present, the Visiting Justices were gentlemen trained under the old system, who were thoroughly acquainted with the business of prisons, and had had the management of them for years. They could not last for ever; and when they disappeared, they must necessarily have recourse to younger Justices, who had no opportunity of learning the duties, or of acquiring the knowledge that was necessary. He believed it would be a great discouragement if the position of those Justices was not improved. He felt sure that the appeal he had to make on behalf of the Justices to the Secretary of State for the Home Department would not be in vain. The right hon. and learned Gentleman had shown great courtesy on a former occasion, when he had received a deputation on the subject, and had displayed an intimate knowledge of it. He was sure that the Justices who had held the Conference to which he had alluded, whose only object in making the request was that they might have better opportunities of performing the duties connected with those prison establishments conscientiously, would be very gratified to know that that subject was to receive the consideration of the Government. He thanked the Committee for having listened to his remarks; but they referred to a subject which deserved consideration. They were on behalf of a class of the community who were not able to take care

*Mr. Magniac*

Department (Sir R. Assheton Cross), had found it a difficult matter. He (Mr. Hopwood) remembered attending a conference at which that right hon. Gentleman distinctly promised he would set forth, in writing, the duties which he thought Visiting Justices might well be charged with without at all interfering with the Prison Commissioners. The right hon. Gentleman's wish was that the duties of the one should not clash with those of the other; and, it might be, that he had so set forth the duties of the Visiting Justices; but his (Mr. Hopwood's) impression was that he had not. He, no doubt, found the task a very difficult one indeed. To carry out his argument, he (Mr. Hopwood) had to introduce some peculiar matter. Lancashire could fairly boast of having a number of well-regulated prisons. He believed there were none better regulated in the country. He would not say there were not prisons as well regulated, for it was possible that the one with which his hon. Friend (Mr. Magniac) was connected, and indeed others, were as well managed. Lancashire Justices, however, had a great reputation for the way in which they had managed their gaols, and that was especially so in the case of the Strangeways Prison at Salford. The case of this gaol would serve to illustrate the difficulty of which he had spoken. The Prison Commissioners were supposed to be appointed with due regard to their qualifications; but, in his (Mr. Hopwood's) judgment, if he might venture to indulge in criticism, it would be better if the decided preference for the appointment of military or naval officers were modified or abandoned. He did not consider that military or naval men, by their training, were any more adapted to the government of prisons than any enlightened civilian who might have had his attention turned to this matter. He could conceive that a man acquainted with law might be, in many respects, *a priori*, better qualified than a military man. He could also conceive that in these days, when attention was seriously turned to what could be manufactured in the gaols of the country, a man having some mercantile or manufacturing knowledge would be a valuable addition to a prison staff. It was a fact, however, that preference was given to military men, and he knew that the Justices, in former

days, gave preference to men of that kind. He (Mr. Hopwood) thought that, in the future, it would be well to introduce into prison management other qualifications as well as military and naval. He had in his mind particularly the case of the Strangeways Prison at Salford. The Visiting Justices of that prison had had considerable correspondence with his right hon. Friend the late Secretary of State for the Home Department. The right hon. Gentleman knew every one of them personally, and he knew perfectly well how competent they were to govern a prison. That they were competent was fully proved by the fact that they had managed the gaol with such remarkable success. They had shown that it would be well to vest in Visiting Justices higher duties and greater responsibilities than they at present possessed. He (Mr. Hopwood) feared that, in consequence of their representations, there might have been some little difficulty produced between them and the Prisons Commissioners. If the Commissioners imagined for a moment that the Justices were stepping beyond their province, there was no answer given to any of their inquiries save such as seemed to say "mind your own business," or "the Act of Parliament describes so and so, and you have nothing to do with it." That was not the sort of answer calculated to produce cordial co-operation. It was quite possible for the Commissioners to so conduct themselves towards the Visiting Justices as to very greatly facilitate their own labour; for he could not but imagine that gentlemen of such eminence as the Prison Commissioners would wish to govern the gaols with every regard to humanity and to local ideas and experience, and none knew better the ideas and wants of the locality than the Visiting Justices. He was not at all satisfied that the wishes of the people of the district of Salford, in respect of the gaol, were at all consulted. The Visiting Justices, for instance, were told that they could not see the prison books. They appealed to the right hon. Gentleman the late Secretary of State for the Home Department, and the answer given was, of course, that they must see the books. They inquired of the Governor, a gentleman of high repute, who was appointed by themselves—in consequence of his de-

to compete, to any great extent, with other labours outside—for instance, in such industries as mat-making and others which gave employment to the poorer classes. Such labour as was fictitious ought not to appear in the accounts, but only those kinds which actually contributed to the receipts of prisons generally. He submitted those few points to the right hon. and learned Gentleman the Secretary of State for the Home Department, and hoped he would take them into consideration.

SIR WILLIAM HARCOURT said, that, before he dealt with matters referring to the prisons themselves, he would briefly say, on the subject of the Visiting Justices, that he was quite sure that his hon. Friend behind him (Mr. Magniac) must be aware, from the remarks which fell from him when the deputation waited on him, that he put the highest value upon the position and functions of Visiting Justices. He considered them as a necessary intermediary between the centralized executive and the prisoners in the gaol. There was a great danger, not so much of ill-usage as of what was equally bad—a suspicion of ill-usage—unless there was some independent Body, in whom the public could have complete confidence that the prisoners had security and were under their constant supervision. The late Government showed themselves willing to create such an independent Body, instead of appointing Inspectors, so that both convict and ordinary prisons might be under the supervision of such Committees. He would assure the hon. Member that he would do everything in his power to prevent any friction occurring between those Committees and the authorities. The hon. Member had implied that they were tired of making representations to the Home Office. He (Sir William Harcourt) hoped that they would never flag in regard to those representations when anything was going wrong in the prisons. At the same time, he quite agreed with his hon. and gallant Friend opposite (Sir Walter B. Barttelot), that there must be a clear definition of the whole duties of the Visiting Justices and the Commissioners; because, if there were uncertainty on that point, the two authorities would doubtless be brought into disagreeable collision. He was certainly not indisposed to support the authority and extend the scope of the

Visiting Justices, and the choice of books was one of the things which the Home Office had determined to put absolutely at the discretion of those Justices. Several other points had been touched upon; but he really thought, so far as he recollected—and his hon. Friend would correct him if he was wrong—that not one single point brought forward by that important deputation of Visiting Justices had not been assented to by him, with one exception, and that was that he was of opinion that all expenses connected with the prison should remain with the Government. With regard to the question of sureties, cases had often come before him where a poor prisoner was unable to get any assistance in that way. He had felt over and over again that it was hard that where evidence had been brought forward to show that the prisoner had not the means, or his friends the pecuniary resources, he should be debarred from the benefits which those in a little better position had the advantage of. He would promise that that matter should be carefully considered. With regard to the removal of prisoners from one gaol to another—that should not be allowed to take place, just as one would remove sacks of grain—the matter deserved much consideration, especially where such removal would be likely to place them under any disability as regarded the preparation of their defence at the trial. His hon. and gallant Friend opposite had referred to the expenses of the two systems. He was probably aware that there was a financial statement which was, to a certain extent, accurate, contained in the last Report—July, 1879—of the Commissioners of Prisons. The real fact was, however—and he had asked the opinion of the Commissioners upon the question—that it was not possible yet to make an independent, complete, and proper Estimate. The changes were too recent at present to render it possible to establish a fair comparison between the state of things before and after the Bill. He would take no responsibility for the statement, as he had had no opportunity of examining the figures; but the Prison Commissioners had expressed a confident opinion that, whatever might be the result in other respects, pecuniarily it would be greatly to the advantage of the public. A reduction of the staff had already taken place to a large extent; and,

*Sir Walter B. Barttelot*

could to have the grievances remedied. No doubt, the hon. and learned Gentleman (Mr. Hopwood) would be satisfied with that assurance.

LORD RANDOLPH CHURCHILL said, that it was hardly fair on the part of the Government to bring forward these Estimates at the end of the Session, and then to deprecate full discussion. He reminded the Secretary of State for the Home Department and his Colleagues that the Opposition were not in the least responsible for that state of Business. He would like to take that opportunity to press the right hon. and learned Gentleman for a little information as to the cost of the prisons now as compared with their cost before the passing of the Prisons Act of 1877. There was some inconvenience, he admitted, in discussing that point in the absence of the late Secretary of State (Sir R. Assheton Cross). He (Lord Randolph Churchill) greatly regretted that the right hon. Gentleman had not found it convenient to be in his place, because the policy of the late Government in respect to prisons was now brought into question. They were told, at the time of the passing of the Prisons Act in 1877, that the cost of the prisons in England and Wales was something under £500,000, and that the result of the Bill introduced by the late Government would be to effect a saving, roughly speaking, of £100,000 a-year. What did they find? They found that since that Bill was passed, the number of prisons in England and Wales had been reduced from 130 to 66, and that the 66 prisons were now costing within a very few thousand pounds of what the 130 prisons which were taken over by the State cost. Instead of there being a saving of £100,000, as they were led to believe, there was really no saving at all; neither was there any compensation for the great loss of independence and general supervision which the counties formerly exercised in the management of prisons. What he wanted to ask the Secretary of State for the Home Department was whether he considered that the present Estimate of £469,000, or, in round figures, £470,000, was to be the amount of the Vote which would be demanded annually for the maintenance of the 66 prisons; or did it appear to him that the charge would admit of any great reduction in the future? That

was a point upon which he had no doubt the Committee would like to be enlightened.

GENERAL SIR GEORGE BALFOUR said, that he cordially supported the late Secretary of State for the Home Department in the reform which he introduced in reference to prisons, not only as a measure of economy, but to ensure uniformity in the management. Although he fully admitted that sufficient time had not yet been given to effect the economies expected, he hoped that some evidence would soon be given that efforts not only were being made to effect the saving promised, but also as to the success in attaining the object for which the change had been made. He desired to call the attention of the noble Lord the Secretary to the Treasury to the discreditable manner in which the Prisons Estimate was framed. It was prepared in a most slovenly manner; for, excepting in two cases, they had no details of the expenditure, and by its form it was calculated to destroy the power of comparison. The Comptroller General, in his 1st Report on the Prisons Expenditure, complained of the absence of all details, except in the two items—salaries of officers, and salaries of Commissioners. He (General Sir George Balfour) regretted very much that in previous years he had not objected to this objectionable mode of stating the expenditure; but he had not done so, because he naturally had thought that the Treasury would have profited by experience and by the censure passed by the Comptroller General, and have furnished them with all the necessary details so essential for comparing the transactions of different years. For instance, they could not come to any exact idea as to the cost of prisoners maintained in the several prisons in the United Kingdom. This omission was more noteworthy, because in the case of soldiers, the House of Commons demanded to have a Return furnished to them of the exact number of soldiers maintained, together with the details of expenditure, to show their cost, and so forth; but although the Committee might wish for a change in the details of the Prison Estimate, yet it was not furnished to them. He regretted to say that this was not the only instance in which an Estimate was slovenly prepared; and he trusted that the noble Lord the Secretary to the Treas-

be saved by the reductions that would be made without there being any decrease in the efficiency. In the case of small prisons, it had been found that a great many of them were over-stocked with officers, and the staffs would henceforward be adjusted to the requirements of the prisons. He really was of opinion that greater efficiency and economy would be the result of the transfer. The problem of prison labour was very difficult to settle, because it depended in a great measure upon the value of the labour which had to be fully ascertained. The prisons would shortly be placed upon a uniform footing, and the authorities would be able in a few years to actually determine what was the value of the labour. He was bound to say that they were progressing in the direction of economy; but the Act of 1877 must have been in operation three or four years before they could attempt to make any fair comparison between the state of things before and after the passing of the Act.

Mr. S. LEIGHTON suggested that Visiting Justices should have the power to report to the Quarter Sessions by whom they were appointed, as the right hon. and learned Gentleman the Secretary of State for the Home Department knew their reports, at present, were only confidential communications to the Home Office. The protection which prisoners ought to have was the protection of publicity. An independent authority should look over the prisons, and be able to report any irregularities and suggest any alterations. It was a very simple matter, and it would not interfere at all with the present arrangements, or the authority of the Prison Commissioners; but it would be the means of checking abuses, of affording a protection to prisoners, and satisfaction to the public.

Mr. HOPWOOD said, he felt strongly the enormous importance of investing the office of Visiting Justices with dignity; because dignity was mostly dependent upon responsibility, and responsibility must also depend, in some degree, upon the power to correct abuses. He fully recognized the difficulty of the position of the right hon. and learned Gentleman (Sir William Harcourt), in having to reconcile the Act of Parliament with the due performance of his duty; but he had not the slightest doubt that the right hon. and learned Gentleman would,

after that discussion, do his best to meet the views of hon. Gentlemen. One point had already been submitted to him; and it had been touched upon by the hon. Gentleman the Member for Bedford (Mr. Magniac). It was, that the "progressive stage" system did not appear applicable to other than convict prisons, and, therefore, it should be discontinued in ordinary prisons; and that more power, —which, indeed, they formerly enjoyed— should be given to the Visiting Justices of affording money aid to prisoners on their discharge. He, however, only wished to call attention to these subjects, because he did not wish it to be lost sight of. While they were upon the question of Visiting Justices, the Committee surely would not begrudge a few minutes' time, while he endeavoured to put the main point, as he hoped, more clearly before the public mind. He was one of those who was strongly opposed to the Act of Centralization in regard to the prisons of the country; but, as the Act had passed, he was bound to submit himself, and endeavour to give it every chance, so that its excellencies might become apparent, or its defects might be remedied. He believed he would be borne out by many hon. Gentlemen when he asserted that there were places in this Kingdom where, in consequence of the passing of the Act, the appointment of Visiting Justices had ceased. That was a very great public disadvantage. He thought they were all ready to concede that that was so. They knew, however, that the time of the Secretary of State for the Home Department was fully occupied with many important matters of State, and that it must be very difficult indeed for him to steal a few moments in which to consider these much wider questions. The right hon. and learned Gentleman had to fight a very strong Department. He (Mr. Hopwood) used the familiar expression "fight," though he did not mean to say there was anything like insubordination on the part of the officials. They all knew that if a strong Department, like the one in question, were appointed, with a strong man at the head, having military ideas of discipline, it would have its own views of the subject; and it would be difficult for even a Secretary of State to bend such officials. He (Mr. Hopwood) recollected that his right hon. Friend the late Secretary of State for the Home

*Mr. Arthur Peel*

which were under the direct management of the Home Secretary, what did he find? He found that there were 70 chaplains, paid sums varying from £350 to £100 a-year. In Bedford Gaol, there were on the average 75 Catholic prisoners, against 341 Protestant prisoners; £250 a-year was paid to the Protestant chaplain; but there was not one single penny paid to the Catholic priest. What was the state of matters in Dissenting Wales? In Cardiff Prison, there were 49 Catholic and 127 Protestant prisoners; £216 a-year was paid annually to the Protestant chaplains, but not one penny to the Catholic. Turning to the North of England, what happened? In Carlisle Prison, there were 37 Catholic and 105 Protestant prisoners; £175 was paid to the Protestant chaplain, but not one penny to the Catholic. Now, he came to Chester, in respect to which model City one would imagine the Government would be able to afford them some information. He found that in that Gaol, there were 62 Catholic prisoners and 116 Protestants; £350 a-year was paid to the Protestant chaplain—something like £3 per head—a capitation grant with a vengeance; and not one penny was paid to the Catholic chaplain, although he attended regularly every day. Now, that could not escape the attention of the right hon. and learned Gentleman the Secretary of State for the Home Department, because the Return from which he was quoting had been in the hands of hon. Members for the last three months. But now he came to Coldbath Fields Prison, where he found an even greater disparity. There were 1,380 Protestant prisoners upon the average, and the standing salary of the chaplain was £400 a-year; but he received allowances in the shape of assistance of £5 5s. a-week, and in November and December at £3 3s. a-week, making a total allowance of £175; so that altogether, for the ministrations to Protestants in Coldbath Fields Prison, there was paid a sum of £575 a-year. In the same prison there were 396 Catholics; but not one penny was paid to a Catholic chaplain. These prisoners had been denied, as far as they could be, the ministrations of religion. Was that creditable to a Liberal Government? Now, in Durham there were 94 Catholic prisoners, and the salary paid to the Catholic chaplain was

£70 a-year; there were 524 Protestants' and their chaplain received £250 a-year. But why, in the case of the Durham Prison, which was under the same control, and was responsible to the same Home Secretary, should they pay £70 a-year for religious ministrations to 94 Catholics, and refuse an allowance to a Roman Catholic chaplain ministering in Coldbath Fields Prison to the 396 Catholics? Let them now take the case of Hull. There were 90 Catholic prisoners—within four of the number at Durham—and 292 Protestants. In Durham, for ministering to 524 Protestants, they paid a chaplain £250 a-year, while in Hull they paid the Protestant chaplain, for ministering to half the number, £280 a-year, being £30 more. They, however, made up for that illiberal economy in the case of Hull by not paying a single penny to the Catholic chaplain. He asked, again, if that was creditable to a Liberal Government which, on many occasions, was apt to look for support from the Catholic Members? In Lancaster there were 130 Protestants, and the Protestant chaplain was paid £310 a-year. There were 61 Catholics, but their chaplain was not paid a penny. In Newgate, he found that there was no record kept of the religion of the prisoners; but they did not forget to take care to pay £500 a-year to a Protestant chaplain attending the prison. In Monmouth there were 25 Catholic prisoners, and the chaplain was paid £20 a-year; there were 220 Protestants, to whose chaplain was paid £220. He hoped he should be forgiven if he had spoken strongly upon this subject. He trusted that in any future economies effected in prisons, the just claims of the Catholic chaplains would be taken into consideration. He would not like to bring this matter upon Report; but unless some satisfactory explanation was given, he felt they must resist the Vote by going to a division.

SIR WILLIAM HARCOURT hoped the hon. Member for Louth (Mr. Callan) would not hold the Liberal Government responsible for arrangements which were made before they took Office. All he would say was, that the information which had been laid before him by the hon. Member was as useful as it was new. He must ask the hon. Gentleman, however, to indulge him by thinking



meanour and the reticent attitude he adopted towards them—whether he was under orders not to hold communication with them? He said that he would write up to the Commissioners, and did so, and their answer was, that the Justices were to be referred to the Act of Parliament. That was an unfortunate sort of reply. Some time ago it was his misfortune, though he nevertheless felt it to be his duty, to ask a Question in that House, in regard to the First Commissioner and his behaviour to the gate-warder of the Salford Gaol. It seemed to have occurred to the Commissioners that the information he (Mr. Hopwood) had obtained had been given by the Governor, and an Inspector was sent down to sit in judgment upon him. He was acquitted; but what occurred next? No one knew for what reason, but a gentleman was appointed and sent down as deputy-Governor of the prison. The Governor had always managed the prison well; he had never lost the confidence of the Justices, and it was to be hoped that he had in no sense lost the confidence of the Prison Commissioners. There might be some explanation for the appointment of deputy-Governor; but he (Mr. Hopwood) was at a loss to see what it could be. The gentleman appointed to that position remained at the gaol for some time, and he seemed to have been a little odd in his notions of his duties. He (Mr. Hopwood) believed he came from the Navy; at any rate, it was evident that he had had no training to fit him as deputy-Governor of a prison, if they might judge from the entries he made in the official journal. For instance, on the 20th of March, he entered—"Oxford and Cambridge boat-race postponed until Monday, on account of fog." On another occasion, the 8th of April, he wrote—"I was sent for by the Committee, the members present being as follows"—and then were given the names—

"And asked by the Chairman if I had had any private correspondence with one of the Commissioners, or the Commission, since I had been in this prison on our prison matters. I answered I did not consider the question was a proper one to answer, and I declined to answer it. Nothing further passed."

There was appended this note—"Are the days of the Inquisition come back?" On the 28th of May, there was to be found this entry—"The Derby—1st,

*Mr. Hopwood*

Bend Or; 2nd, Robert the Devil," and so forth. And that was the sort of thing this gentleman entered in his journal. He considered that a very strict watch should be kept upon the exercise of patronage by the Commissioners in appointments of this kind, and especially as they had to deal with gentlemen who were trying to do their duty as Justices. In such a case as this a little "meddling" on the part of the Visiting Justices was very desirable. In consequence of statements of his own at another prison of what he had done at Strangeways, an inquiry was held on this same gentleman in respect of conduct he was alleged to have exhibited towards a female prisoner. The Prison Commissioners sent down an Inspector; but from the inquiry both the Governor of the gaol, and the Visiting Justices were excluded. They were not allowed to know what passed; but eventually an order came down exonerating the deputy-Governor, and he had since been appointed to preside over another of Her Majesty's gaols—Morpeth. It was in cases of this kind, too, that a little more inquiry, a little more meddling by the Visiting Justices, would do much to obviate unpleasantness. He had now finished what he had risen to say. It was not agreeable to him to bring these things forward; but he remembered the unprotected state of the prisoners in the gaols of the country. However little those prisoners might have entitled themselves to the commiseration of society, society could not forget its duty towards them, and when any hon. Gentleman became acquainted with what displayed defective prison management, it was his duty to lay the facts before the Committee.

SIR WILLIAM HARCOURT hoped the hon. and learned Gentleman (Mr. Hopwood) would not expect him, on the 16th of August, to enter into all the differences between the Visiting Justices and the Prison Commissioners. When he came into Office he found a very unsatisfactory state of things. He was glad, however, to say that in the course of the last two or three months he had had no complaints whatever from the Visiting Justices of the Strangeways Prison. He hoped that if they had anything to complain of in the future, they would at once communicate with the Home Office, who would do what they

which were under the direct management of the Home Secretary, what did he find? He found that there were 70 chaplains, paid sums varying from £350 to £100 a-year. In Bedford Gaol, there were on the average 75 Catholic prisoners, against 341 Protestant prisoners; £250 a-year was paid to the Protestant chaplain; but there was not one single penny paid to the Catholic priest. What was the state of matters in Dissenting Wales? In Cardiff Prison, there were 49 Catholic and 127 Protestant prisoners; £216 a-year was paid annually to the Protestant chaplains, but not one penny to the Catholic. Turning to the North of England, what happened? In Carlisle Prison, there were 37 Catholic and 105 Protestant prisoners; £175 was paid to the Protestant chaplain, but not one penny to the Catholic. Now, he came to Chester, in respect to which model City one would imagine the Government would be able to afford them some information. He found that in that Gaol, there were 62 Catholic prisoners and 116 Protestants; £350 a-year was paid to the Protestant chaplain—something like £3 per head—a capitation grant with a vengeance; and not one penny was paid to the Catholic chaplain, although he attended regularly every day. Now, that could not escape the attention of the right hon. and learned Gentleman the Secretary of State for the Home Department, because the Return from which he was quoting had been in the hands of hon. Members for the last three months. But now he came to Coldbath Fields Prison, where he found an even greater disparity. There were 1,380 Protestant prisoners upon the average, and the standing salary of the chaplain was £400 a-year; but he received allowances in the shape of assistance of £5 5s. a-week, and in November and December at £3 3s. a-week, making a total allowance of £175; so that altogether, for the ministrations to Protestants in Coldbath Fields Prison, there was paid a sum of £575 a-year. In the same prison there were 396 Catholics; but not one penny was paid to a Catholic chaplain. These prisoners had been denied, as far as they could be, the ministrations of religion. Was that creditable to a Liberal Government? Now, in Durham there were 94 Catholic prisoners, and the salary paid to the Catholic chaplain was

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surey—who, he (General Sir George Balfour) admitted, was not responsible, because they were those of the late Government—would take care that next year the Committee would be provided with all necessary information. He (General Sir George Balfour) had a strong conviction that the duties of the Comptroller General were not allowed to be performed with the proper fulness, because he was tied down to particular forms of account prescribed by the Treasury. He was sure that, if it were in his power, the Auditor and Comptroller General would be glad to give them details in an exact manner; for no one could read the long Report he made upon the 1st Prison Estimate and Account without noticing his desire to furnish the fullest information to the House of Commons.

SIR WILLIAM HARCOURT said, that he should be the first to acknowledge that he was wrong if he were to say that in the course of the three months he had been in Office he had succeeded in making himself master of all the matters relating to prisons. He hoped, however, if he were in Office next year, to turn his attention to the subject. At present, he could only tell the Committee that he had no further evidence beyond that which he had derived from the Report of the Prison Commissioners. From that Report, it would be found that the cost of maintaining 20,361 prisoners in the year 1877 was £526,837; while in the year 1879-80, the total number of prisoners was estimated at 20,500, and the sum to be expended at £479,000. The sum now actually voted was £468,000, and comparing the sum for which they now asked, with the sum asked for in last year of the old system, the noble Lord (Lord Randolph Churchill) would see that the reduction had been £56,000 a-year. [Lord RANDOLPH CHURCHILL: 66 prisons against 130.] The number of prisoners was practically the same, and yet for managing the same number of prisoners they found a reduction of £56,000 a-year. That was a reduction which was certainly worth making. Of course, he was not responsible for the Estimates of the late Secretary of State for the Home Department; but the result was gratifying, inasmuch as, under the new system, there was already a reduction of £56,000 a-year. The Commissioners told them that it must be borne in mind that they were now

passing through a period of transition, and that the full effect of the change could not be experienced for several years to come. He had every reason to suppose that the economy would be greater in the future. He did not want to commit himself to an opinion which he could not really give; he would only say, therefore, that the Commissioners thought that further economies might be realized hereafter.

MR. CALLAN wished the Secretary of State for the Home Department to give him some information as to the economy practised in respect to Roman Catholic chaplains. So long as the prisons in England were under local authorities and subject to the jealousies of local Justices, there was some excuse for the irregularities and inequalities which existed; but now that the prisons in England had been placed under Government control, he would like to have some explanation as to the principle which guided them in respect to the salaries paid to Roman Catholic chaplains. Turning to Ireland, he found that in the County of Cavan, according to the Return he obtained last year, there were 24 Catholic prisoners, and the salary paid to the Catholic chaplain was £30 a-year; that there were three Protestant prisoners, and the salary paid to their chaplain was £30 a-year; and that a similar salary was paid to the Presbyterian chaplain. In the County of Louth, which he had the honour to represent, he found that the average number of Catholics in prison in 1879 was 53, and that the Catholic chaplain received £36 18s. 6d.; that there were 5 Protestant prisoners, and that the Protestant chaplain received a like amount; that the number of Presbyterians was equally small, and that the chaplain received annually a like sum. He did not complain of this inequality, because he held that when they imprisoned a man, they were obliged to provide for him some religious ministrations. For instance, in Longford, in Ireland, a Presbyterian chaplain had been paid £30 a-year for the last 20 years, although there had never been a single Presbyterian prisoner in the gaol. That circumstance was very creditable to Presbyterianism, and equally creditable to the Grand Jury of the county, who had so long voted that salary to the Presbyterian chaplain out of the county rates. When he turned to England, the prisons of

and he certainly did not think they were the best persons to be intrusted with the inspection of prisons, or to see that the night poachers and others who might be convicted under the Summary Jurisdiction Act received lenient treatment. Some better treatment might, he contended, be devised, under the operation of which prisoners would be enabled to bring the grievances of which they complained under the notice of the outside public. The Visiting Justices had but very little authority, and no inducement to attend to the duties which they were supposed to perform; and they were the very worst court of appeal before which the complaints which an unfortunate prisoner might have to make of ill-treatment could be brought. A proposal was under consideration when the Prisons Act was passed through the House, that some sort of general Report should from time to time be issued, by which the public should be made acquainted with the nature of those complaints; but that proposal had not been adopted, and the result was that the prisoners were left entirely at the mercy of men whose statements might, for all the House knew, be either true or false, for the inquiry was conducted in private in those cases, and there were no means of ascertaining whether justice was done to the prisoners, or whether they were not handed over to the tender mercies of the Visiting Justices, to be dealt with as might seem to them best. There ought, therefore, he maintained, to be some more independent and impartial tribunal to rely upon. Every magistrate ought, he thought, to have access to the prisons within his county, and Members of that House should be afforded an opportunity of seeing for themselves what was going on within their walls. Members of Parliament held officially a much higher position than that occupied by the Justices, who had no representative character whatever of counties; and if they were permitted to visit and inspect prisons, a very strong guarantee against the occurrence of abuses might in that way be provided. It was possible, as matters now stood, that great injustice might be inflicted on a prisoner, for which he could obtain no redress; and it should be open to him to be able to make his complaints heard by some independent tribunal, instead of being

dealt with by a small knot of men who were, no doubt, in their way, very estimable, but who were imbued with all the prejudices of their class.

MR. HOPWOOD expressed himself as being quite satisfied with the assurances which he had received from his right hon. and learned Friend the Secretary of State for the Home Department.

MR. CALLAN said, that the figures which he had brought under the notice of the Committee were, he believed, perfectly correct; and pointed out that while the Irish Prison Department had furnished the Return which had been ordered by the House in a manner which made it, as far as he could see, most trustworthy, the Return made by the English Department was, on the contrary, of a ridiculous character; for, instead of the average, it gave the total number of prisoners. But his argument remained the same. Whatever mistake there might be was due to the fault of the English Prison Department, by which, however, the Return sent in by the Irish Department was in no way affected. He must express regret that the Home Secretary, while taking care to remind the Committee that he could not hold himself responsible for the action of the late Government, yet had not given the slightest promise that the injustice which had been brought to his notice should be considered and redressed.

MR. ARTHUR PEEL said, he did not mean for a moment to dispute the propriety, where there were a large number of Roman Catholic prisoners, of having someone to attend to their religious wants; and what his right hon. and learned Friend the Home Secretary had stated was, that while he could not hold himself responsible for the system which had been transferred to the present Government by their Predecessors in Office, he would give the subject his careful consideration. He might, however, inform the Committee that he happened to know that the Commissioners of Prisons had a scheme in contemplation, in the nature of a capitation grant for the Roman Catholic chaplains; but it was obvious that any change of the kind which might be introduced ought to be made only after full inquiry, for injustice might otherwise be done to certain localities, and

that during the last three months he had had a good many subjects with which to occupy his time. He had not been able to give this subject that care and attention it deserved. The relative proportions of Roman Catholic and Protestant prisoners, and the salaries paid to prison chaplains, was, he was quite ready to reckon, a very important matter. The hon. Member for Louth had pointed out that in some places ample provision was made for religious ministrations, but that in other places that was not so. He was not in a position at that moment to give the hon. Gentleman that explanation which he properly required. The matter, however, to which attention had been directed should have consideration at his hand. He remembered very well that in the old days, when the management of prisons was in the hands of county magistrates, there was a great deal of religious and Party feeling in the question. He was quite sure that no one would suppose that the Executive Government, in dealing with this matter, would be in the least guilty of the charge of any such considerations. If the hon. Gentlemen representing the Catholic population would leave the matter in the hands of the Government, they would endeavour to deal with it in a satisfactory manner.

MR. ARTHUR O'CONNOR said, it was perfectly true that the present Government could not be held responsible for their Predecessors. The Return from which the hon. Member for Louth (Mr. Callan) had quoted was of very great value, serving to show, as it did, that the position in which the Catholic chaplains were placed in Ireland did not correspond with the position of Protestant chaplains in England. In Ireland, Protestant chaplains had to minister to a minority; not as the Catholic chaplain did in England, but, as a matter of fact, they found that not only did Protestant chaplains in Ireland secure for themselves a very much larger sum than even Catholic priests in Ireland, but in England the amount given to Catholic chaplains was scarcely anything, in some cases nothing at all. According to the Return obtained by the hon. Member for Louth (Mr. Callan), he found that in England the Protestant chaplains were paid at the rate of 30s. per head, while the Catholic chaplains received less than 18s. a-head.

*Sir William Harcourt*

Did the right hon. and learned Gentleman the Home Secretary intend to establish anything like a capitation rate to operate equally in the Three Countries? If such a system were established, he could say that the Catholic priests would be perfectly satisfied. There was another point to which he must call attention, and it was this—that in the Appendix to these Estimates, there was a statement of the pay to be voted on the new scale for the different prison officers, and in that Appendix it would be seen that five chaplains were to be paid from £350 to £400. The Return moved for by his hon. Friend (Mr. Callan) showed that there were now chaplains receiving salaries at that rate. Furthermore, the Return gave £200 as the maximum salary to Catholic chaplains in any gaol—that was to say, the maximum salary for priests was only to be half the salary of Protestant chaplains. At the Liverpool Gaol, however, the Catholic chaplain was in receipt of £300 a-year, so that the arrangements detailed in the Appendix were not recognized.

MR. MAGNIAC had no wish to minimize the importance of the point raised by the hon. Member for Louth (Mr. Callan). In respect, however, to the suggestion to establish a capitation grant, he would say that, in many cases, such a system would act very unfairly. In many cases the Catholic priest would be very unfairly paid, because a man's time and labour could not be measured by the number of his co-religionists in the gaol. If there were five Catholic prisoners, the chaplain would have as much work as if there were 200. The best general principle to act upon was, that there should be some fixed sum laid down.

MR. BIGGAR said, that during the progress of the Prisons Bill through the House, he paid considerable attention to the discussion upon the question of Visiting Justices. The primary object of that Bill was not an improvement in prison discipline, or the position of Visiting Justices, but it was to take the expenses of the gaols off the local rates, and put it upon the general rates of the country. The Visiting Justices were not, in his opinion, quite so innocent a set of gentlemen as some of the previous speakers would lead the Committee to believe,

shire, and had found there a very large number of friends. But he was not aware that any Catholic chaplain was paid in that county excepting at Liverpool; for while for 130 Protestant prisoners the Protestant chaplain received £300, for 61 Catholic prisoners—and the Committee knew that whenever there were Catholic prisoners the Catholic Church compelled its priests to visit them—the Roman Catholic clergyman did not, he believed, receive 61 pence; and he hoped, therefore, that his hon. Friend the Member for Louth (Mr. Callan) would adhere to his Resolution, and go to a division. And if that course did not bring the Government to a sense of justice in the matter, he would suggest one or two more divisions, and so ultimately achieve a result which was only to be attained by means of independent opposition.

MR. BRADLAUGH said, there was one point to which he wished to call the attention of the right hon. and learned Gentleman the Secretary of State for the Home Department before the Vote was agreed to. He referred to the use of plank beds in prisons. It seemed to him to be a species of additional torture to the prisoners, and in no sense capable of being justified. He should not delay the Committee by dwelling further on the matter on that occasion; but if no change were made before next Session with regard to the use of those beds, he should endeavour to see whether some effectual opposition could not be made to the continuance of such a system.

SIR WILLIAM PALLISER hoped the Government would consider the question as to the payment of Roman Catholic chaplains in a liberal spirit.

MR. A. M. SULLIVAN felt bound to say, on behalf of the Members of the late Government, that the proposal which he had made on the subject had been received by them in a very fair and considerate manner, and that he had no doubt that if they had remained in Office, they would, whatever might have been their faults, have fulfilled this year, in the letter and in the spirit, the undertakings which they had given him with reference both to prisons and workhouses. A great deal had been done with regard to prisons, and he felt satisfied that a great deal more was about to be done; but the state of

affairs in workhouses continued to be scandalously bad. Speaking, as he thought he might, on behalf of the Roman Catholic authorities in this country, who had placed the matter in his hands, he would say that he believed the wisest course to adopt in order to insure justice and fair play was to confide in the right hon. and learned Gentleman the Secretary of State for the Home Department, who, he was sure, would, between that time and the spring of next Session, give to the subject not a Pickwickian, but a just and honest consideration. For his own part, he (Mr. A. M. Sullivan) had confidence in the right hon. and learned Gentleman and the President of the Local Government Board, that he had no doubt that it would be so considered. He might add that he had never signed a cheque with greater pleasure than one for the salary of the Protestant Dissenting clergyman connected with the Prison in Dublin, and that his salary had been paid when there was not in the prison a single prisoner belonging to his religious denomination. What he asked for was fair play and nothing more.

MR. CALLAN said, that if he did not receive something more than a promise that the subject which he had brought under the notice of the Committee should have the consideration of the right hon. and learned Gentleman the Secretary of State for the Home Department, he should, however reluctantly, deem it to be his duty to move the reduction of the Vote by the sum of £116, so as to reduce the pay of the Protestant chaplain at Chester from £3 per head of the prisoners, to £2 per head, the rate at which the Roman Catholic chaplain was paid. If he received a pledge—and he would accept one from the hon. Member for North Warwickshire (Mr. Newdegate) himself, if he were in an official position—that the Government would give careful consideration to the matter, he would not divide the Committee. But he would ask the right hon. and learned Gentleman the Secretary of State for the Home Department not to wrap himself up in stoical indifference, but to ascertain whether or not the glaring injustice he (Mr. Callan) had described really existed, and, if he found that it did, to rectify it. If the right hon. and learned Gentleman would not give him a pledge

the scheme might, in the case of small prisons, operate very unfairly.

MR. FINIGAN wished, before making any remark on the question of chaplaincies, to call the attention of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) to the fact, as appeared from the Estimates, that there was an officer of Royal Engineers employed in connection with the Prison Commissioners Office who was paid a sum of £600 per annum. He should like to know whether that officer was also in receipt of his Army pay, and who he was? Because his experience warranted him in believing that such positions given to officers and ex-officers belonging to the Army and Navy were, generally speaking, mere sinecures, and that those gentlemen, however brave they might be in the field, were in no way well qualified to discharge the duties of an important character in prisons. They were brought up under a very severe and strict system of discipline; and although in prisons strict and even severe discipline ought to be maintained, it ought to be tempered to some extent with mercy. As a journalist, he had obtained considerable knowledge of all sorts of prisons, and he had been led to the conclusion that ex-Army and Navy men were most unfit to take charge of, or in any way to exercise superintendence over, such institutions. As to the question of the remuneration of Roman Catholic chaplains, he could not help expressing his regret at the remarks upon that subject, considerate though they were, which had been made by the right hon. and learned Gentleman the Secretary of State for the Home Department. The right hon. and learned Gentleman informed the Committee that he would give to the question his best attention; but Governmental consideration, so far as his (Mr. Finigan's) experience went, was almost entirely without value. Such consideration became a reality only when it was thoroughly pressed home. It had been stated on the part of the Government that the Commissioners of Prisons had prepared a Report, based on the principle of a capitation grant, for the payment of the Roman Catholics chaplains in prisons; but, if the question had not been pressed upon the attention of the Government, the Committee would have been left in ignorance of that fact. Some proof was thus

afforded, he contended, that until hon. Members of that House, whether Tories or Liberals, or belonging to the Third or Fourth Party, assumed a firm and decided position, they would be likely to get from Ministers very little either in the way of information or concession. It was a most unjust thing, he maintained, that men should be asked to perform certain duties for the benefit of the nation, and that they should not be paid for the services which they rendered. He should be the very last man in that House, Catholic though he was, to refuse a single penny to any minister of any denomination so long as he was doing some State service. To him it did not matter at what altar a man might kneel, or in what form he might worship his God; so long as he did a duty recognized by the State, he would advocate his right to be paid for the discharge of that duty, and he hoped the Secretary of State for the Home Department, acting on the same principle, would not merely take the matter into consideration, but would promise that justice should be done all round. He urged that the question should be settled on a final and equitable basis, and that Roman Catholic clergymen, as well as those belonging to the Protestant or any other religion, who ministered to the religious wants of the prisoners in their gaols, should be proportionately paid. He had the pleasure of being personally acquainted with the Catholic chaplain of the Liverpool Gaol, to which attention had been called; he had known him for a very long time, and he could say that manifest injustice would be done by reducing that gentleman's salary by one penny. He had, it was true, a comfortable house provided for him; but the showers of charity which he poured forth to all classes of prisoners was well-known to every Liverpool man, and left him but poor indeed. He had rendered eminent services to Liverpool; he assisted every charitable movement for local objects, whether organized by Protestants or Catholics; and it would, in his (Mr. Finigan's) opinion, be doing a great wrong to such a man to impose upon him, as it were, a fine, because, mistakes having been made in the past, the present Government thought it necessary to sacrifice someone. It was said that throughout Lancashire the people were very generous; he had been in Lanca-

shire, and had found there a very large number of friends. But he was not aware that any Catholic chaplain was paid in that county excepting at Liverpool; for while for 130 Protestant prisoners the Protestant chaplain received £300, for 61 Catholic prisoners—and the Committee knew that whenever there were Catholic prisoners the Catholic Church compelled its priests to visit them—the Roman Catholic clergyman did not, he believed, receive 61 pence; and he hoped, therefore, that his hon. Friend the Member for Louth (Mr. Callan) would adhere to his Resolution, and go to a division. And if that course did not bring the Government to a sense of justice in the matter, he would suggest one or two more divisions, and so ultimately achieve a result which was only to be attained by means of independent opposition.

MR. BRADLAUGH said, there was one point to which he wished to call the attention of the right hon. and learned Gentleman the Secretary of State for the Home Department before the Vote was agreed to. He referred to the use of plank beds in prisons. It seemed to him to be a species of additional torture to the prisoners, and in no sense capable of being justified. He should not delay the Committee by dwelling further on the matter on that occasion; but if no change were made before next Session with regard to the use of those beds, he should endeavour to see whether some effectual opposition could not be made to the continuance of such a system.

SIR WILLIAM PALLISER hoped the Government would consider the question as to the payment of Roman Catholic chaplains in a liberal spirit.

MR. A. M. SULLIVAN felt bound to say, on behalf of the Members of the late Government, that the proposal which he had made on the subject had been received by them in a very fair and considerate manner, and that he had no doubt that if they had remained in Office, they would, whatever might have been their faults, have fulfilled this year, in the letter and in the spirit, the undertakings which they had given him with reference both to prisons and workhouses. A great deal had been done with regard to prisons, and he felt satisfied that a great deal more was about to be done; but the state of

affairs in workhouses continued to be scandalously bad. Speaking, as he thought he might, on behalf of the Roman Catholic authorities in this country, who had placed the matter in his hands, he would say that he believed the wisest course to adopt in order to insure justice and fair play was to confide in the right hon. and learned Gentleman the Secretary of State for the Home Department, who, he was sure, would, between that time and the spring of next Session, give to the subject not a Pickwickian, but a just and honest consideration. For his own part, he (Mr. A. M. Sullivan) had confidence in the right hon. and learned Gentleman and the President of the Local Government Board, that he had no doubt that it would be so considered. He might add that he had never signed a cheque with greater pleasure than one for the salary of the Protestant Dissenting clergyman connected with the Prison in Dublin, and that his salary had been paid when there was not in the prison a single prisoner belonging to his religious denomination. What he asked for was fair play and nothing more.

MR. CALLAN said, that if he did not receive something more than a promise that the subject which he had brought under the notice of the Committee should have the consideration of the right hon. and learned Gentleman the Secretary of State for the Home Department, he should, however reluctantly, deem it to be his duty to move the reduction of the Vote by the sum of £116, so as to reduce the pay of the Protestant chaplain at Chester from £3 per head of the prisoners, to £2 per head, the rate at which the Roman Catholic chaplain was paid. If he received a pledge—and he would accept one from the hon. Member for North Warwickshire (Mr. Newdegate) himself, if he were in an official position—that the Government would give careful consideration to the matter, he would not divide the Committee. But he would ask the right hon. and learned Gentleman the Secretary of State for the Home Department not to wrap himself up in stoical indifference, but to ascertain whether or not the glaring injustice he (Mr. Callan) had described really existed, and, if he found that it did, to rectify it. If the right hon. and learned Gentleman would not give him a pledge



on the matter, he would be obliged to move the reduction of the Vote.

SIR WILLIAM HARCOURT said, he would make inquiries to ascertain whether any injustice of the kind existed, and redress if it did. He was unable to state the exact sum which would be given, or the exact principle on which the payment would be made, and that was really all he could say on the subject. He could assure the hon. Member for Louth (Mr. Callan) that he was not "wrapped in stoical indifference" on this matter, and he trusted that a division would not take place, the only result of which, if the hon. Member were successful, would be to negative, by the House of Commons, the payment of the salary he proposed to the chaplain of Chester Gaol. He did not think that would be an effectual method of advancing the case the hon. Member had in hand, as it would render it much more difficult next year to propose the salary now suggested. If the hon. Gentleman wished to defeat his own object, the best way to do it was to follow the course he proposed.

MR. CALLAN said, the assurance he had received from the right hon. and learned Gentleman was perfectly satisfactory; but, at the same time, he wished to remind him that he had not moved to reduce the Vote, but had only intimated that he was prepared to do so, unless an assurance were given. He would join with the hon. Member who had spoken some time ago (Mr. Finigan), and say that if there was to be a capitation grant, there should be a minimum amount fixed as a salary—say, £50 or £60 a-year. In Ireland there was no capitation grant; and the result had been that an unfavourable opinion had been engendered amongst all classes in that country; and though he had drawn attention to this £3,050, he had done it to show how things were in Ireland and how they were treated, compared with the state of things in England.

MR. ARTHUR O'CONNOR said, he believed that there were certain funds to be disposed of, arising from money given or bequeathed for the benefit of poor prisoners. The Charity Commissioners took cognizance, two years ago, of funds of this description—funds, if he were not mistaken, amounting to £7,000 or £8,000 a-year. But, besides that amount, there were other sums which

had been bequeathed for the same purpose, but which were not included in the Return published by the Charity Commission. If he was correctly informed, there had been a correspondence between the Charity Commissioners and the Prison authorities, as to the proper distribution of this money. Perhaps the noble Lord (Lord Frederick Cavendish), or the Secretary of State for the Home Department, would inform the Committee whether anything had been decided as to the appropriation of this money, and whether it would be taken in aid of the Prison Vote or in aid of the local rates, which it used to be taken in aid of, before the prisons were handed over to the new authority?

THE CHAIRMAN: Does the hon. Member know that the sums to which he alludes come under this Vote?

MR. ARTHUR O'CONNOR: They certainly do, because the correspondence to which I have referred took place in connection with this Vote.

MR. ARTHUR PEEL thought the hon. Member was mistaken. The correspondence the Treasury had had was with reference to the sum to be given to the Discharged Prisoners Aid Society, some £2,000 or £3,000 a-year, and the amount for gratuities to prisoners, £6,000 a-year. The Treasury were about to sanction an expenditure of £2,000 or £3,000 in addition to the sums mentioned.

MR. ARTHUR O'CONNOR regretted that the hon. Member (Mr. Arthur Peel) had risen to answer him. He would rather have an explanation from the noble Lord the Financial Secretary to the Treasury; because, while he had been speaking, the noble Lord had nodded to him, as much as to say—"You are quite right." It was with regard to this Vote that the correspondence he had alluded to occurred. If the noble Lord would refer to the last Report of the Public Accounts Committee, he would see that the Committee had thought this matter of sufficient importance to report specially upon it to that House. The Committee pointed out that the appropriation of this money was, in many cases, extremely unsatisfactory; and they further stated that the bequests were of considerable amount, as appeared from the two Returns of the Comptroller and Auditor General. If they turned to the Account, they would

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find that, of the money bequeathed for the benefit of impoverished prisoners, £303 was distributed in various ways other than on prisoners, and that £168 was not distributed at all for want of a proper object to spend it on. Then there was the sum of £185 10s., an undefined portion of which was only applicable to prisoners, but no part of it whatsoever was applied to that object. It appeared that there was a considerable sum of money either given or bequeathed for these particular purposes, and for years, so far as he (Mr. Arthur O'Connor) could ascertain, they had in part been misappropriated. There must be, somewhere or other, a considerable sum that had accumulated from want of appropriation, and he wished to know from the noble Lord, who seemed to have more knowledge than his Colleague on the question, whether he was aware of any accumulated fund arising from these resources on account of which no appropriations had been made? Did he know whether any decision had been been come to at the Treasury as to the future distribution of these funds? If something was not done, or if no satisfactory explanation was given, it appeared to him that the proper thing to do would be to move the reduction of the Vote by the sum not appropriated out of these gifts and bequests. There was a sum which hitherto had been taken in aid of local rates, which, if it were not applied to the benefit of prisoners, should be still taken in aid of local rates. The Government certainly should not have the benefit of the money. Perhaps the noble Lord would tell them whether any decision had been come to with regard to the matter?

LORD FREDERICK CAVENDISH said, the question, which was one of considerable difficulty, had come before the Public Accounts Committee, and had been dealt with by them in their Report. They fully admitted the difficulties of the case; and declared that, in their opinion, further information was necessary. They said that, from want of sufficient information, they could not suggest a definite course of action. The prison authorities, they said, should communicate on the subject with the Trustees in the several cases. He could promise the hon. Member that the matter would be carefully considered by the Government, and the best method of

dealing with the funds would be ascertained.

GENERAL SIR GEORGE BALFOUR suggested that the money should be applied in diminution of the general county rate. No doubt, many hon. Gentlemen would be glad to see the county rate diminished in that way. The Comptroller and Auditor General went fully into the matter, and the natural result ought to lead to improvement. He had no doubt that if the noble Lord the Secretary to the Treasury could get all the information obtainable, it would be found to fully bear out the suggestion of the hon. Member for Queen's County (Mr. Arthur O'Connor).

MR. BRADLAUGH wished to know whether the Government could give any information as to relaxing the regulations with regard to the use of plank beds in prisons?

MR. ARTHUR PEEL said, the subject had attracted the attention of the Government, and three or four weeks ago, he had had occasion to say that some relaxation had been made in the regulations with regard to the use of plank beds in prisons. They would not be used for the future in the case of young children, invalids, or in the case of prisoners over 60 years of age. As the hon. Member had called attention to the matter, he would see whether further relaxations could not be made in the use of these beds. He was not aware that the regulations at present existing were put in force with any undue harshness.

*Vote agreed to.*

(2.) £180,616, to complete the sum for Reformatory and Industrial Schools, Great Britain.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £16,061, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England, and of one Criminal Lunatic in Bethlem Hospital."

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. ARTHUR O'CONNOR said, that before the Vote was passed, he wished to call attention to the very dif-

ferent system of treatment which existed in institutions of this kind in England and in similar institutions in Ireland. The English Broadmoor Criminal Lunatic Asylum was represented in Ireland by the Dundrum Asylum; but the treatment received in them was very different. He found that for 485 inmates in Broadmoor there were 103 attendants, or 10 attendants for every 48 patients; whereas at Dundrum, where there were 190 patients, there were only 10 attendants to every 73. Not only had the attendants at Dundrum a great deal more work to do than those at Broadmoor, but the pay they received was miserably inadequate when measured by the English standard, and that in every grade. For the superior staff at Broadmoor they had a superintendent, a deputy superintendent, and an assistant medical officer. The first received £900 a-year, the next £460, and the last £220; or a total for the superior staff of £1,580. The whole superior staff at Dundrum received only £760, and the staff consisted of a resident physician and governor, a visiting physician, and an assistant resident medical officer. The highest salary was only £440, against £900 at Broadmoor. The steward, and foremen of works, and farm bailiff—who did not seem really to be a necessary officer—received £550; whilst at Dundrum, the same duties were performed by the storekeeper at a salary of £120, and a female assistant at a salary of £35. At Dundrum the head male servant received £60 a-year, and there were 13 male servants who cost £376 a-year, the salaries varying from £24 to £34 and averaging £29. The highest sum given at Dundrum—the amount given to the best and most experienced male servant—was less than the minimum paid to an assistant at Broadmoor. At Broadmoor, 31 assistant attendants received from £40 to £45, and 35 attendants from £45 to £50, the principal attendants from £60 to £74, while the chief attendant received £160. In other words, the average pay of the attendants at Broadmoor was more than double the average pay of attendants at Dundrum, though in the former asylum the servants did not do anything like the work that they did in the latter. At the Dundrum Asylum, the work as compared with that at Broadmoor was as seven to four. Even in such matters as gatekeepers, there was only one at Dun-

drum who received £50 a-year; but at Broadmoor, there was one at £74, another at £50, and an assistant gatekeeper at £50. And so on, throughout the whole of the establishments, they would find very much the same thing. Whilst the Dundrum institution was starved, that at Broadmoor was pampered. Now, he objected very much to that system. It was the same system they found in Army establishments in connection with Army works, and in Navy establishments in connection with Dockyards. Invariably, they would find that where the British Government had to do work in England, of the same kind that it had to do in Ireland, it earned the title of "liberal" by a lavish expenditure of public money; but in the case of Ireland, where money had to be spent, they saw the same parsimoniousness and unfairness whichever Party was in power. He must protest, as an Irish Member, against this different system of treatment for Ireland and England; and unless he got an assurance from the Treasury Bench that the Government would look into the matter, and would place the officials in the Dundrum Lunatic Asylum in a position which would not compare disadvantageously with that of the officials of Broadmoor, he should certainly divide the Committee against the Vote.

Mr. ARTHUR PEEL said, he was not able to compare the state of things at Dundrum with the state of things at Broadmoor with that amount of detail that the hon. Member (Mr. Arthur O'Connor) would wish; but he thought he could show that there was no excessive expenditure at Broadmoor, or, that if there was, it would be rigidly examined into and prevented; therefore, he hoped the hon. Member would not divide the Committee. Year by year the Broadmoor Estimates were being reduced. If they took the Vote for 1874-5, it amounted to £36,884; and that had been brought down until, in the present financial year, it amounted only to £25,751. That was a large reduction; and when the character of the people confined in the asylum was taken into consideration, he did not think they would be of opinion that the expenditure on the staff of attendants was excessive. The officials at Broadmoor, he would remind the hon. Member, had to undertake duties of a very exceptional character, and, not only that,

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but they had to collect money from contributory parishes for the maintenance of lunatics in the asylum—as much as £6,500 a-year. This involved a large amount of collection. And—

MR. ARTHUR O'CONNOR asked whether there were not special officers for that duty?

MR. ARTHUR PEEL said, there were special officers, but their salaries were included in the Vote. Every thing connected with Broadmoor was put in the Vote, and the rates paid were no higher than those paid in connection with other establishments. At present, the asylum had not its full number of inmates. There was accommodation for 563 patients; whereas, at present, the number detained was only 485. If, however, there was any part of the expenses that was thought to be extravagant, and anything in the manner of treating these criminal lunatics which was not considered desirable, there was a Commission sitting, of which he had the honour to be Chairman, which would go thoroughly into the matter. The Commission was going carefully into the question. It was composed of eminent Gentlemen, some of them from Scotland, and they were examining the best authorities. One of the objects of the Commission was to ascertain whether the Broadmoor Asylum fulfilled the object for which it was originally established. He hoped the hon. Member would not object to the Vote passing as it stood.

MR. BRIGGS did not object to the Vote being taken; but there was one detail on which a remark might be useful. He saw mentioned in the Estimates a "farm and garden" attached to the asylum. There was no amount placed opposite to the "farm and garden," so that one might naturally suppose that no farm and garden existed. On the other side, however, of the page, there was a "farm bailiff" put down at a salary of £120 a-year—to look after this "farm and garden," no doubt, although the "farm and garden" apparently had no existence. There was another question which he should like to ask which bore reference to the one criminal lunatic in the Bethlem Hospital. It seemed to him curious why a man at Bethlem Hospital should find a place in this Vote; and he should like the hon. Member to make inquiries, and find out how it was that in the Broadmoor Asylum Vote, £65

was put down for the maintenance of a criminal lunatic in the Bethlem Hospital.

MR. ARTHUR PEEL said, the hon. Member (Mr. Briggs) called attention to the fact that there was no charge opposite "farm and garden," and as there was a charge for a farm bailiff, he very naturally imagined that there was no farm for him to look after. This was not the case, however. There were both a debtor and creditor account with reference to the farm and garden which balanced each other. The farm was a most valuable adjunct to the Broadmoor Asylum. The medical officers spoke in the highest terms of the good effects of farm work and working in the garden even on the most violent of the criminal lunatics. Last year the amount received in respect of the farm and garden carried to the Account was £3,211, and the amount expended £3,207 odd, leaving a balance of £3 18s. 10d., which explained why there was no figure opposite "farm and garden." The hon. Member also asked why one criminal lunatic was detained in Bethlem Hospital? He had made inquiries into the peculiar circumstances of that case, and he had found that when the Bethlem Hospital was discontinued as a criminal lunatic asylum, one man who had been there many years, and had become attached to the place, pleaded so urgently with those whose duty it was to remove him that he might be permitted to remain in the old spot, that they yielded, and did not disturb him. The alternative would have been to have removed him to Broadmoor.

MR. FINIGAN said, the chaplain of the Institution had a salary which increased by annual increments of £10 until it reached a sum of £400; and, just below, he found this very illiberal maximum—that the Catholic chaplain visiting received only £50 per annum; £50 was no fair salary whatever; it was not even enough for a minister going through the institution once a-week; and he would ask whether it was the intention of the present Liberal Government to be really practically liberal, or whether they only intended to be so in theory? He would certainly very much like to have some information upon these points.

MR. ARTHUR PEEL believed it would be found that the Roman Catholic priest was only a visitor to the

asylum, whereas the Protestant chapel was regularly attached.

Mr. FINIGAN said he was quite aware of that.

Mr. ARTHUR PEEL said, he was not aware how many Roman Catholic inmates there were in the asylum.

Mr. FINIGAN remarked, that if he had been in the House when the last Vote was brought on, he should certainly have gone to a division upon it. He certainly thought that £50 was a very small sum, in this case, for the Roman Catholic priest, and he hoped that Her Majesty's Government would look into the matter between this and next year.

Mr. ARTHUR O'CONNOR said, he had carefully avoided entering into a discussion on the Vote for Dundrum. He had simply pointed out that, with corresponding staffs, the pay and salary of the one contrasted in the most extraordinary way with the amount of pay and salary received by the other. All the remarks made by the hon. Member (Mr. Arthur Peel) about the responsibility and important and arduous character of the duties which were confided to the attendants at Broadmoor, equally applied to the staff at Dundrum, and they had as much claim to consideration as the other. He entirely concurred with the remarks which had fallen from the hon. Member; but he wished to point out that where 10 attendants at Broadmoor had only 47 patients to look after, the same number of attendants at Dundrum had the responsibility of 70 patients upon them; and yet, nevertheless, they received only, on the average, about one-half of the pay. The hon. Gentleman said that a Committee or Commission had been appointed whose duty it was to look into the affairs at Broadmoor; and he (Mr. Arthur O'Connor) thought it might be of advantage if the Committee or Commission had also in their power to inquire into the affairs at Dundrum, to secure that both institutions should be placed on the same footing. He should be perfectly satisfied with such an arrangement; but the hon. Gentleman had not told them that that was to be the case. He had no wish to reduce the Vote for Broadmoor in any unreasonable manner; but the hon. Gentleman knew perfectly well that when, shortly, they came to the Vote for Dundrum, it would not be competent for

him to propose an increase. He could not propose an increase of an inadequate Vote; but the only thing left to him was to propose the reduction of a Vote which, as compared with the Vote for Dundrum, was monstrously and excessively unreasonable. If the Vote for Dundrum was only a reasonable Vote, then that for Broadmoor was far in excess of the requirements of the case. If, on the contrary, the Vote for Broadmoor was only reasonable, then, as he had said before, the institution at Dundrum was starved. But when they got to the Dundrum Vote, he should not be able to rectify matters by a Motion to increase the Vote; and the only course open to him was to move the reduction of the Vote for Broadmoor, unless he should obtain some assurance from Her Majesty's Government that the staff employed at Dundrum should, in future, receive the same consideration as that employed at Broadmoor.

LORD FREDERICK CAVENDISH said, the discussion which had taken place was an example of the fallacies into which they might be led by the practice of comparing separate Votes. Now, it so happened that the asylum at Broadmoor was a remarkably ill-arranged building, and a large staff of attendants was required to keep it up. He believed that the institution at Dundrum stood upon a very different footing; it was a building much better adapted to the purposes for which it was required, and, consequently, a smaller staff was necessary. Whatever might be the state of affairs in England, and the necessity of employing a large staff in a badly-arranged building, it was not necessary that they should have an increased staff in a well-arranged institution. He did not agree with the hon. Member as to his facts. An analysis of the sums granted for Broadmoor and Dundrum would show that, deducting from the English Vote the sum received for extras, the cost per head was near as possible what it was at Dundrum. At the same time, he had no doubt that if Broadmoor was now about to be constructed for its present purpose for the first time, it would be so arranged as to render a smaller staff necessary.

Mr. ARTHUR O'CONNOR entirely dissented from the arithmetical calculations of the noble Lord (Lord Frederick Cavendish), although he admitted the

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superintendent had to do. He begged to move that the Vote be reduced by the sum of £400.

Motion made, and Question proposed,

"That a sum, not exceeding, £15,651, be granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England, and of one Criminal Lunatic in Bethlem Hospital.—(Mr. Biggar.)

MR. A. M. SULLIVAN said, he was glad to find that it was not the chaplain's salary that his hon. Friend (Mr. Biggar) proposed to reduce. He was at first afraid that it was, and he had understood his hon. Friend to make the somewhat novel suggestion that the chaplain, for the sake of a holiday, should make an exchange and go to the seaside for a time, leaving the other, by way of variety, to go to a lunatic asylum. As, however, his hon. Friend had concluded his remarks without proposing to reduce the chaplain's salary, he (Mr. A. M. Sullivan) would not make the remarks which he would otherwise have made. For his own part, he thought these poor creatures confined in a lunatic asylum should not be deprived of the consolation they would obtain from the ministrations of a clergymen to whom, in their faint glimmer of reason, such consolation might be of the utmost value, and, perhaps—for who could tell?—the last and only consolation there might ever be for them. He hoped his hon. Friend would not press the Motion for the reduction of the Vote.

MR. BIGGAR said, he had referred to the chaplain, and he did think that a salary of £400 a-year was extremely liberal for ministering to a parcel of lunatics. He could not understand what a clergyman could have to say to them. He thought that £50 a-year would be a liberal payment. He had, however, proposed not to reduce the salary of the chaplain, but to reduce the salary of the superintendent to the extent of £400 a-year. At present, the superintendent got £900 a-year, and he had a deputy, who probably did more of the work, at £460 a-year. He thought the superintendent, who was there for ornamental purposes more than anything else, would be sufficiently well paid with a salary of £500 a-year. He had, therefore, pro-

posed to reduce his salary to that amount.

Question put, and *negatived*.

MR. DAWSON wished to express a hope, before the Vote was agreed to, that the principle announced by the Secretary of State for the Home Department, as that which was to be applied to the officials employed in the prisons—namely, that of remunerating them according to the labour they performed, would be extended to the asylums.

Original Question put, and *agreed to*.

(4.) £41,730, to complete the sum for the Lord Advocate and Criminal Proceedings.

GENERAL SIR GEORGE BALFOUR wished to call the attention of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) to the different course pursued in regard to Scotland from that which was followed in relation to the other legal Votes. In the Appropriation Account of this Vote they had a detail of the fees received by the Lord Advocate, the Lord Advocate's Clerk, the Solicitor General for Scotland, the Solicitor General's Clerk, the Crown Agent, and the Legal Secretary to the Lord Advocate. Now, that detail of all the fees received by these officers, he (Sir George Balfour) had been for nine years trying to obtain; and now that it was given for Scotland, he naturally urged that the House ought to have it in regard to every legal officer connected with the Government. They now had, in the Appropriation Account, the whole detail given of these fees paid to legal officers in Scotland, and he asked that they should have, with regard to England and Ireland, the same information, so that they might be able to see how the fees were paid. He had no doubt that fees were voted in connection with all the legal appointments to the extent of many thousands, and he thought the Committee had a right to inquire from the noble Lord how they were disposed of. He did not ask that the detailed information should be furnished in the Estimate; but that the Comptroller and Auditor General should be allowed, from the vouchers and accounts before him, to put down the sums paid to different individuals for legal business, and stating for what duties, and to what persons paid.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, the hon. Gentleman (Mr. Dawson) misunderstood the object of his remarks. He had not made any comparison whatever between the systems in the two Institutions. He had merely stated what he had himself seen at Dundrum.

MR. ARTHUR PEEL said, he had already pointed out that it was the faulty construction of the building at Broadmoor that made it so expensive. The matter, however, had been investigated by a Commission. It was not possible for the inquiry to include all the asylums, because the question for consideration was mainly the charge to be apportioned to the localities and the charge to be borne by the State. One of the incidental parts of the inquiry was whether Broadmoor should be reserved for a special class of lunatics, or whether wards for the reception of lunatics should be attached to the different prisons throughout the country.

MR. WHITWELL said, the question had more than once forced itself upon the attention of the House, whether it was necessary to keep up institutions of this kind, at very great expense, throughout the United Kingdom. He rejoiced to hear from the hon. and learned Solicitor General for Ireland (Mr. W. M. JOHNSON) that the Dundrum Institution was managed so well. He (Mr. Whitwell) had himself been over Broadmoor, and he had no doubt that, through the Commission which was now sitting, great improvements, of which the asylum was certainly capable, would be introduced. At the same time, it must not be forgotten that the work was of a peculiar nature, and required much care, anxiety, and attention. He was free to confess that he would not be an attendant in some of the wards at Broadmoor for any consideration. Many of the lunatics there excited the greatest commiseration. He trusted that they would now end the discussion. They were proposing the inspection of Broadmoor. They had received an assurance from the hon. and learned Solicitor General for Ireland that Dundrum was very properly managed, and he hoped that some Member of the Broadmoor Commission would have an opportunity of inspecting Dundrum, in order to see if he could gain any information that would be useful if applied to Broadmoor. He trusted the

hon. Gentleman the Member for Queen's County would not press the question further.

MR. BIGGAR said, it seemed to him, in looking over a list of the expenses connected with Broadmoor Asylum, that they were certainly too high. With regard to several of them, the amount charged in the Estimate was quite absurd. For instance, the superintendent received £900 a-year; in addition, he presumed to a house and provisions, and so on. It certainly appeared to be a very liberal salary, and he failed to see what occasion there was for a superintendent; and a deputy superintendent as well. One of these salaries ought to be entirely done away with. He came next to the question of the chaplain, and he found that the gentleman employed in that capacity at Broadmoor got £400 a-year although he had only to administer to a number of criminal lunatics. Of course, it was all very well to have a chaplain; but there could be very little for him to do, and, consequently, a salary of £400 a-year was very liberal. He knew, with regard to the Belfast Lunatic Asylum, that a warm discussion took place years ago as to whether a chaplain should be allowed inside the gates of the building; and he believed he was correct in saying that up to the present time there was no chaplain connected with the Antrim Asylum. That being so, he did not see what ground there was for giving a chaplain £400 a-year. But, in addition to that, he got leave of absence, and another clergyman was allowed 18 guineas for officiating while he was away on leave. If it was necessary that he should have leave, he ought to get some supernumerary to perform for him, without charge; or he might exchange places with some other clergyman and go to the seaside, leaving his substitute to go inland from the seaside. Thus both would get something in the shape of variety, without adding to the expenses of the establishment. He certainly did not think that this sum was required for the salary of a chaplain at Broadmoor, when the Roman Catholic priests at Dundrum only received £50. On the grounds he had mentioned, he thought he was justified in moving to reduce the pay of the superintendent by the sum of £400, thus allowing him £500, which, from all he had heard, would be ample payment for what the

superintendent had to do. He begged to move that the Vote be reduced by the sum of £400.

Motion made, and Question proposed,

“That a sum, not exceeding, \$15,651, be granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England, and of one Criminal Lunatic in Bethlem Hospital.—(Mr. Biggar.)

MR. A. M. SULLIVAN said, he was glad to find that it was not the chaplain's salary that his hon. Friend (Mr. Biggar) proposed to reduce. He was at first afraid that it was, and he had understood his hon. Friend to make the somewhat novel suggestion that the chaplain, for the sake of a holiday, should make an exchange and go to the seaside for a time, leaving the other, by way of variety, to go to a lunatic asylum. As, however, his hon. Friend had concluded his remarks without proposing to reduce the chaplain's salary, he (Mr. A. M. Sullivan) would not make the remarks which he would otherwise have made. For his own part, he thought these poor creatures confined in a lunatic asylum should not be deprived of the consolation they would obtain from the ministrations of a clergymen to whom, in their faint glimmer of reason, such consolation might be of the utmost value, and, perhaps—for who could tell?—the last and only consolation there might ever be for them. He hoped his hon. Friend would not press the Motion for the reduction of the Vote.

MR. BIGGAR said, he had referred to the chaplain, and he did think that a salary of £400 a-year was extremely liberal for ministering to a parcel of lunatics. He could not understand what a clergyman could have to say to them. He thought that £50 a-year would be a liberal payment. He had, however, proposed not to reduce the salary of the chaplain, but to reduce the salary of the superintendent to the extent of £400 a-year. At present, the superintendent got £900 a-year, and he had a deputy, who probably did more of the work, at £460 a-year. He thought the superintendent, who was there for ornamental purposes more than anything else, would be sufficiently well paid with a salary of £600 a-year. He had, therefore, pro-

posed to reduce his salary to that amount.

Question put, and *negatived*.

MR. DAWSON wished to express a hope, before the Vote was agreed to, that the principle announced by the Secretary of State for the Home Department, as that which was to be applied to the officials employed in the prisons—namely, that of remunerating them according to the labour they performed, would be extended to the asylums.

Original Question put, and *agreed to*.

(4.) £41,730, to complete the sum for the Lord Advocate and Criminal Proceedings.

GENERAL SIR GEORGE BALFOUR wished to call the attention of the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) to the different course pursued in regard to Scotland from that which was followed in relation to the other legal Votes. In the Appropriation Account of this Vote they had a detail of the fees received by the Lord Advocate, the Lord Advocate's Clerk, the Solicitor General for Scotland, the Solicitor General's Clerk, the Crown Agent, and the Legal Secretary to the Lord Advocate. Now, that detail of all the fees received by these officers, he (Sir George Balfour) had been for nine years trying to obtain; and now that it was given for Scotland, he naturally urged that the House ought to have it in regard to every legal officer connected with the Government. They now had, in the Appropriation Account, the whole detail given of these fees paid to legal officers in Scotland, and he asked that they should have, with regard to England and Ireland, the same information, so that they might be able to see how the fees were paid. He had no doubt that fees were voted in connection with all the legal appointments to the extent of many thousands, and he thought the Committee had a right to inquire from the noble Lord how they were disposed of. He did not ask that the detailed information should be furnished in the Estimate; but that the Comptroller and Auditor General should be allowed, from the vouchers and accounts before him, to put down the sums paid to different individuals for legal business, and stating for what duties, and to what persons paid.



In regard to the legal work done in Scotland, paid for by fees, every item was now accounted for. He found it stated in the Estimates that the Lord Advocate received as salary £2,388, and in addition an allowance of £850, in lieu of fees abolished by the Patent Law Amendment Act of 1852. Now they found, for the first time, that he was also remunerated by fees. He held it to be derogatory to the high position of the Lord Advocate, that he should receive anything in the shape of remuneration by fees in addition to his salary. Now, instead of voting him his fixed salaries of £2,388 and £850 in lieu of Patent fees, it would be better at once to vote him a salary of £3,000 a-year, and add thereto the sum now paid on an average for extra fees, making in all £4,000. Then, again, the Solicitor General for Scotland received £955, and besides £287 in lieu of Patent fees; besides extra fees for other duties. It would be better to give him a salary of at least £1,200 a-year. The duties of the Scotch Law Officers would, without remuneration by extra fees, be sufficiently well attended to by fixed total emoluments, and sufficiently well paid by these salaries. By this consolidation they would be able to dispense with any payment in the shape of fees, to which objections had been raised from Scotland. The salary of the late Legal Secretary of the Lord Advocate, when he first accepted the office, was £300, and it had since been raised to £500. The gentleman who filled the office also held various other offices, and the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) would find that he received, in the shape of other fees and allowances, a sum of £969, making, with the salary of £500, no less than £1,469. If a salary of £500 a-year was not sufficient for the Legal Secretary to the Lord Advocate, then, by all means, give him a salary of £1,000, and have his services entirely devoted to the work of the office. One part of the duties of the late Secretary to the Lord Advocate was to attend to the preparation of Bills; but, at present, it did not appear that very much was done in that way for Scotland. There was no Officer in the House representing Scotland; and, as far as he knew, no Officer in London to attend to Scotch affairs. The Irish people had two Parliamentary Officers; but not a single one had the Scotch people. Then, again, the

time of the late Legal Secretary to the Lord Advocate was employed, as junior to the Lord Advocate, in cases before the House of Lords and in preparing Parliamentary Bills; and no less a sum for those duties than £700 was paid to him in fees in 1878. He (Sir George Balfour) had, however, no hesitation in saying, from his recollection of the number of Bills they had relating to Scotch Business, that the several Bills actually prepared had cost a very large sum indeed. He was satisfied that if they would put up the business of preparing Bills to competition in Edinburgh, they would find that the work could be done better, and at a much cheaper rate. They had, at all events, this fact stated in the Estimates, that the Legal Secretary to the Lord Advocate had been able to obtain remuneration for work entirely foreign to his real business, and that he obtained in fees, in 1878, a sum more than three times the amount of his salary when first appointed. He thought the noble Lord the Secretary to the Treasury would agree with him that this mode of remunerating Government officers was neither right, nor satisfactory. Then, again, there was the Crown Agent. The latter was a most deserving officer in Scotland, and did his duty exceedingly well. He received a salary of £1,400 a-year, and additional fees, and although he did not grudge that amount, he considered that it was a sufficiently handsome salary to secure the whole time and attention of that officer in Edinburgh. They ought to pay a man well, and then make him do all the work well. He thought it would be wise and fair for the Government to come to some arrangement with the Crown Agent, that he should receive a salary of £1,500 a-year, and that he should devote his whole time and attention to the duties of his office. The noble Lord would find that the Lord Advocate's Clerk got £100 a-year. He (Sir George Balfour) did not think that was sufficient for the support of the Lord Advocate's Clerk; but he had no doubt that that officer made up the remuneration in some other way. There were fees paid of £74 10s., which was an addition of 75 per cent to the salary. It would be better to make the salary paid fully £200 a-year, and do away with the fees. If that salary was not sufficient, let them increase it and

*General Sir George Balfour*

retain his whole time and service. Then, again, the Advocate Depute should be paid by salary, and not by fees. He was an important officer—the eyes and ears of the Lord Advocate—and he should be fairly and properly remunerated by salary without fees. He had received a strong representation from a gentleman in Scotland, who was very well informed, condemning the system of remunerating these high legal officers by fees. The noble Lord would also see that the Procurators Fiscal were called upon to render an account of their fees; but that they had not complied with the demand. Great changes had been made in regard to the constitution of the Courts of Scotland, and he thought they ought to ascertain distinctly what fees these officers received. They were important local officers, and he held that they ought to be free from all taint of suspicion of being influenced in their duty by receiving fees. He did not say or imply that they had been guilty of any wrongdoing; but, as long as men received these fees for the performance of certain duties, there would always be in the mind of the public a suspicion that there was something wrong in connection with that kind of payment, and that the individuals themselves might be actuated by motives of interest. He, therefore, strongly urged the noble Lord the Secretary to the Treasury to take the whole matter into his consideration, and see if some other method of remuneration could not be devised. He knew that the noble Lord was not responsible for the present state of affairs. He, therefore, only called attention to the matter; and he thought that, as a first instalment of reform, every penny spent in the shape of fees should be distinctly shown in the Appropriation Account. He hoped the hon. and learned Member for Chatham (Mr. Gorst) would only be too glad to support him, when he said that every legal officer who performed duties for Her Majesty's Government should be properly remunerated, and that the Accounts should show the sums they received and the duties they performed.

LORD FREDERICK CAVENDISH said, that, in reply to the observations of his hon. and gallant Friend (Sir George Balfour), he hoped that he should be able to give a Return of the fees received by the English legal officers. It

would not be necessary to give it in the Estimates; but it might be appended, as in the case of the Scotch Votes, to the Account. He could not absolutely promise to give this Return; but he certainly hoped to be able to give it next year. In regard to the remuneration of the Lord Advocate, his hon. and gallant Friend was so great a master of figures that he ventured to differ from him with great hesitation. His hon. and gallant Friend should have said that the Lord Advocate received £2,388 as salary, and also £850 in lieu of fees abolished by the Patent Law Amendment Act. These two sums together amounted to over £3,200, and that was now a fixed sum, instead of fees. He was afraid that, if a proposal were made to reduce the salary of the Lord Advocate from the sum of £3,238 now paid to £3,000, it would be unfair to a learned gentleman who had accepted the office on certain conditions, whatever determination might be arrived at in regard to the future.

GENERAL SIR GEORGE BALFOUR said, he was quite aware that the Lord Advocate received a salary of £2,388 as salary, and a further sum of £850 in lieu of fees, and that the two sums together amounted to more than £3,200. But he did not think there would be any disadvantage in placing the Lord Advocate's salary in future at a fixed amount. Most of the legal officers appeared to to have fixed salaries, *plus* moneys they received from the Patent Office.

LORD FREDERICK CAVENDISH said, that it seemed to him the salary paid to the Lord Advocate, and which appeared in the Estimate, was a very reasonable one. So far as the Legal Secretary to the Lord Advocate was concerned, he was able to inform his hon. and gallant Friend that his recommendation for the future had already been carried into effect. The Legal Secretary to the present Lord Advocate was in future to be remunerated by salary. Whenever the appointment of Queen's Remembrancer became vacant, it would be deserving of consideration whether the same course should not be followed; but the present officer had accepted the office under certain conditions, and he well deserved the remuneration he got. So far as the Procurators Fiscal were concerned, all but six of those gentlemen were paid by salary; and, as opportuni-

ties occurred, the system of paying by fees would be put an end to, and payment by salary substituted.

MR. W. HOLMS wished to call the attention of the noble Lord to a charge under the head of D, for Sheriffs' Accounts, Procurators Fiscal, not paid by salary, £28,000; while, under head E, there was an item of £25,135, for Procurators Fiscal, who, he presumed, were paid by salary. What he wished to know was, what portion of the sum of £28,000 was for Sheriffs' Accounts, what proportion was for Procurators Fiscal not paid by salary; and, further, what proportion they received of the expenses of criminal prosecutions under the authority of the Lord Advocate, included under head C? He hoped, that in another year, the Committee would have definite information in regard to all these separate heads. What was the difference between criminal prosecutions and general prosecutions? He should like to have these three different items placed by themselves, and fully explained.

MR. D. M'LAREN remarked, that there was a matter which appeared to have escaped the notice of the Committee. In a note at the foot of page 225 of the Estimates, there was this paragraph—

"The Secretary to the Lord Advocate receives occasional Fees for preparing Bills under Class III., Vote 20, sub-head F, and for Legal Business in the Peerage Cases chargeable against sub-head D of Vote 20, Class III. The actual amounts so received will be mentioned in a note to the Appropriation Account of this Vote for the year. He also receives a salary of £250 a-year as Counsel to the Scotch Education Department."

This last statement was correct when the Estimates were made up; but the Secretary to the former Lord Advocate was specially appointed Law Adviser to the Education Department—an office newly created for him—shortly before the late Government went out of Office. He was the then Lord Advocate's Secretary; but the present Lord Advocate's Secretary did not get that allowance, or anything else. The late Lord Advocate's Secretary received the appointment of Law Adviser to the Scotch Education Department, and the salary now went to him.

MR. BIGGAR said, that in regard to the salary of the Lord Advocate, it appeared to him, in spite of what the hon. and gallant Gentleman opposite (Sir

George Balfour) had said, that the Lord Advocate was very liberally paid, and he (Mr. Biggar) should be disposed to move that the salary be reduced. He saw, by a foot-note, that, in addition to the two salaries of £2,388 and £850, he got fees for the work he really did. The foot-note said—

"The Lord Advocate and the Solicitor General receive Fees from the Public Departments in addition to their Salaries, when specially employed in giving opinions or in conducting legal proceedings before the Civil Courts; their clerks also receive Fees on similar occasions."

It seemed to him that, if fees were paid, they should be enough without a salary for the work done.

LORD FREDERICK CAVENDISH apprehended that the Lord Advocate and Solicitor General for Scotland, as the Legal Advisers of Scotland, received salaries, and then had fees for whatever work they performed when consulted by the Government. That was the case, he believed, with all the Law Officers in Ireland. Certainly, it was so in England, and he had no doubt that it was the same in Scotland. With regard to the Question of the hon. Member for Paisley (Mr. W. Holms), he thought, if he would turn to page 226 of the Estimates, he would see what the Sheriffs' Account received; and if the hon. Member required more accurate information, he (Lord Frederick Cavendish) would be ready to supply it.

MR. D. M'LAREN remarked, that, in answer to the remarks of the hon. Member for Cavan (Mr. Biggar), he would refer the hon. Gentleman to the Estimates for the Irish Law Establishments, where he would find an item of £5,000 for fees to the Attorney General, the Solicitor General, and the Law Advisers of Ireland, for directing Crown prosecutions. The Lord Advocate and the Solicitor General for Scotland did not get a shilling in the shape of fees for Crown prosecutions.

MR. FINIGAN said, he fully sympathized with the hon. Member for Paisley (Mr. W. Holms). He thought that if Scotland suffered as much as Ireland did from the system of government which prevailed in that country, Scotland would be very sorry to have either the Lord Advocate or the Solicitor General in that House. Much as he respected both of the eminent Legal Functionaries connected with Ireland, he would be glad

*Lord Frederick Cavendish*

to see them out of Parliament. He was of opinion that if there was more of the Scotch system in Ireland that country would be much better off. But his object in rising now was to call attention to something which he certainly thought some of the canny Members from over the Border should long ago have taken notice of. He found on page 225 of the Estimates, under details of sub-head A, that there was a dagger after "Legal Secretary to the Lord Advocate," and, looking down to the foot-note to which it referred, he found this note—

"The Secretary to the Lord Advocate receives occasional Fees for preparing Bills under Class III., Vote 20, Sub-head F."

But on looking at Vote 20 he found no explanation. [Mr. ARTHUR PEARL: It is a mistake.] If it was a mistake, he would not further pursue the subject; but he hoped the mistake would be set right.

*Vote agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £38,755, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Courts of Law and Justice in Scotland and other Legal Charges."

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. FINIGAN said, he was sorry that he had had occasion to call attention to the fact that 40 Members were not present. He had counted only five hon. Members in the House; and he thought that the Scotch people ought, at least, to put in an appearance when matters concerning their own country were being discussed. He found under sub-head A of that Vote, on page 229, an item which he could not understand anybody passing who knew anything about figures. On reference to the Judges' Clerks, he found that they were 11 in number. He found also that the annual increment allowed to them was £20. The sum voted for 1879-80 was £3,324, and for 1880-81 £3,634. How they could make those figures tally he did not know; because if they multiplied 20 by 11 the product was 220. If that amount were added to the sum of £3,324, the total would be £3,544. He should be much

obliged to the noble Lord or the right hon. Gentleman on the Treasury Bench if that matter were explained to them. There was £90 too much charged; and if some satisfactory explanation were not forthcoming, he should be compelled to move the reduction of the Vote by that sum.

LORD FREDERICK CAVENDISH said, that as he had not received any information with regard to the item he was unable to answer the question. The desire, however, of the hon. Member, that there should be no waste in the expenditure, was evidently worthy of approbation. As he had no information on the subject, he could not pretend to say how that discrepancy arose; but he thought it exceedingly likely that last year's Estimate was found to be a little short, and, therefore, it was necessary to adjust the matter then. He was inclined to think that on the present occasion the hon. Member saw an opportunity of taking advantage of him, and did not fail to seize it. All he could say was, that he could not furnish the explanation then; but he would do so on Report.

Mr. FINIGAN said, that really he had no intention whatever of taking advantage of the noble Lord. He merely wished to point out what was obviously a mistake, and, therefore, trusted that the noble Lord would withdraw the expression he had used.

LORD FREDERICK CAVENDISH said, that if he was not mistaken, he heard, during his recent observations, a remark to that effect fall from the hon. Member.

Mr. ARTHUR O'CONNOR said, that he would assume the entire responsibility of what had occurred. The noble Lord had, no doubt, overheard the remark which fell from him (Mr. Arthur O'Connor), and not from the hon. Member for Ennis (Mr. Finigan). He had so often observed the marvellous facility and dexterity with which the noble Lord evaded the most direct points, and explained away the most glaring errors, that he had been anxious to see how, on that occasion, he would explain a most palpable error. If his hon. Friend had not raised the question, he (Mr. Arthur O'Connor) should have done so himself; and he had perceived that the noble Lord was still able to make head against the difficulties. As a matter of fact, he thought that it was not quite a satisfac-

tory explanation, if it were the best possible under the circumstances. He believed he was right in saying that a mistake had been made in that case in all probability; and he thought, therefore, that the noble Lord might consent to the reduction of the Vote by the sum of £90.

LORD FREDERICK CAVENDISH said, he could not accept that. If the reduction were agreed to, the effect would be to dock some unfortunate clerk of his pay. He had already promised to explain the matter on Report.

MR. GORST said, that he wished to ask the noble Lord a question. He was sorry to have to ask it when there was no Legal Adviser upon the Treasury Bench; but that was not his fault. He wanted to know why £50 was charged for fees to officers and others at the trial of Election Petitions? He remarked that the sum charged was as great as that for England. If anybody would reflect upon the comparative number of Petitions in Scotland and England, it must be obvious that if £50 was an adequate sum for England it would be a great deal too much for Scotland. But that was not his only objection. He did not understand how the Consolidated Fund was chargeable in that manner. He wanted to know how the sum was payable at all out of the Consolidated Fund, because, according to the scheme of the Act, the whole of the expenses were to be borne by the parties, and they were made to furnish security for those payments before the Petitions were allowed to be presented.

LORD FREDERICK CAVENDISH said, he was afraid that the hon. and learned Gentleman was not entirely correct. As far as he was aware, a certain amount was so chargeable, and when he knew the amount of the different Election Petitions he should have to present a Supplementary Vote. He imagined that the sum appearing in the Estimates was put there to provide for any casual Election Petition that might arise.

MR. GORST said, that that answer seemed hardly satisfactory. He should like to know under what section of the Act the expenses were payable by the public?

LORD FREDERICK CAVENDISH said, that he could answer that on Report, but not then, not being advised on

the subject. He should have thought that the hon. and learned Member would have been well acquainted with 21 & 22 Vict. If he referred to the Act he would find the case dealt with.

MR. FINIGAN said, he really must ask the noble Lord to withdraw what he had previously stated with regard to him.

LORD FREDERICK CAVENDISH said, that in what he had stated he meant no disrespect towards the hon. Member.

SIR GEORGE CAMPBELL said, he wished to ask a question with regard to the Courts of Law in Scotland. It was with reference to the circumstances under which a Judge of the Court of Session had been appointed, when the late Government were about to leave Office, to a post which had been vacant for fully two years. The House and the country were under the impression that the Government did not think it necessary to fill it up. A good many questions were asked on the subject, and the lawyers of Edinburgh prompted hon. Members of that House to inquire the reasons why it had not been filled up. A certain Clerkship of the Court of Session which corresponded to the Judgeship was also vacant. On various occasions answers were given, the general purport of which was, that the Government doubted whether it was necessary to fill it up at all. In his opinion, those doubts were thoroughly well justified; the Court of Session need not be maintained at the strength to which it had been raised by that appointment, unless the Sheriffs were reduced. In fact, he believed that greater reductions might be made, and greater savings be effected. Reductions might be made as regarded the Sheriff Courts of Scotland, for the present number of Judges and Sheriffs together was, in his opinion, totally unnecessary. The late Government appeared to be of that opinion until certain events had happened; but after the General Election this view appeared to have been materially influenced by the result, and they came to the conclusion that it was proper to fill up posts which, before that result was known, they had thought right to allow to remain vacant. They had appointed a gentleman who certainly had rendered good service to the Conservative Party in Scotland to the vacant Judgeship, and

another to the Sheriffship vacated by him; so that, by that means, they were enabled to kill, as it were, two birds with one stone, and reward two faithful adherents. He must say that those appointments, being made at that particular time, did certainly look very suspicious. The Conservative Party were fully represented on the Judicial Bench in Scotland; whereas, in this country, such appointments as were made for purely Party considerations were comparatively rare. He should be glad to know from Her Majesty's Government, whether, in their opinion, it would be necessary to maintain the Bench in Scotland at its present strength on the recurrence of the next vacancy?

LORD FREDERICK CAVENDISH said, the appointment referred to had been made before the present Government took Office. They had not the opportunity of considering whether the recent appointment was necessary or not; but he was quite sure they would do so before the next vacancy was filled up.

MR. ARTHUR O'CONNOR said, he wished to bring before the Committee one of the most extraordinary documents ever issued by a Public Department. It was signed "Richard Assheton Cross," and had reference to a certain legal appointment in Scotland. It ran as follows:—

"Be it known to all men by these Presents that I, Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, understanding that the office of Sheriff Clerk of the Shire of Kinross is now vacant, by reason of Mr. John Wright Williamson having resigned the aforesaid office, together with the office of Commissary Clerk of the said shire, on condition that he receives during his life one half of the salary or emoluments which may be assigned to his successor in the office of Sheriff Clerk of the said shire, and being well informed of the loyalty and abilities of Mr. Robert Burns Begg, writer, have nominated, constituted, and appointed, and I hereby nominate, constitute, and appoint him, the said Mr. Robert Burns Begg, to be Sheriff Clerk of the Shire of Kinross, and the whole bounds thereof, during all the days of his life, giving and granting to him the said office with power to him to receive the casualties, fees, and profits accruing to the said office, paying the same into Her Majesty's Exchequer, and to appoint deputies in the same office for whom he shall be answerable, and to alter and change them at his pleasure, and generally to do everything concerning the premises which any Sheriff Clerk may lawfully do. And the said office is hereby granted to be held by him, the said Mr. Robert Burns Begg, he undertaking to execute, and executing the said

office of Sheriff Clerk of the said Shire of Kinross in person. And it is hereby provided, as a condition of his appointment, that the said office of Sheriff Clerk of the said shire shall be remunerated by salary, the fees, profits, and emoluments thereof being accounted for and paid into the Exchequer, and that, until statutory provision be made on the subject, he, the said Mr. Robert Burns Begg, shall accept such salary for the said office of Sheriff Clerk of the Shire of Kinross as may be assigned to him by the Lords Commissioners of Her Majesty's Treasury. And it is further provided that the said Mr. Robert Burns Begg shall remit to the said Mr. John Wright Williamson, his predecessor in the aforesaid office, one half of such salary as may be assigned to him, the said Mr. Robert Burns Begg, by the Lords Commissioners of Her Majesty's Treasury from year to year, during the life of the said Mr. John Wright Williamson; provided also that the said Mr. Robert Burns Begg do give attendance in the sheriff clerk's office on the ordinary days and during the ordinary hours of business, except when attending in court, which he shall be bound to do in all sittings of the court unless when his presence shall be dispensed with by the Sheriff. Provided also, that in the case of the passing of any Act of Parliament, the duties of the said office be increased, the said Mr. Robert Burns Begg shall not be entitled to claim any addition to his salary by reason thereof. Requiring hereby, &c."

The rest was formal merely, and the document was dated 14th September, 1878. The Home Office, when they signed that document, felt naturally enough that it was an extraordinary one. They accordingly sent to the Treasury, to ask if they would lend a hand and sanction the proceeding. The Treasury declined, and said they would have nothing to do with it, and they pointed out that—

"My Lords would submit that it is opposed to the general policy of the law, which presumes, with reference to an office of trust, that the holder requires the payment of the salary assigned to such office, for the purpose of upholding the dignity and performing properly the duties of it; and their Lordships, in the exercise of the power vested in them by Parliament, can only consent to appoint such an outlay to be paid to the Sheriff Clerk of Kinross as will be sufficient to obtain the services of a properly qualified person, and to cover any outlay to which he will be necessarily subjected, but not more than sufficient for those purposes; and it is obvious that these conditions fail to be fulfilled if the holder of the office is mulct of a portion of the salary intended as his proper remuneration for the benefit of another person."

They distinctly declined to be parties to that allocation of salary. The Home Office was not, however, to be put down by a single refusal, and they pointed out in another letter that—

"For several years representations had been made by the Lord Lieutenant of the county, the Sheriff of the county, and others, that the public service was suffering in consequence of the advanced age—above 80—and infirmities of Mr. Williamson the late Sheriff Clerk."

Mr. Williamson held the office for life, and was paid by fees, not by salary. Various attempts were made to get him to appoint a deputy; but these failed, and last summer the state of matters had become so serious that the Lord Advocate had to consider whether he should not present an application to the Court of Session to deprive Mr. Williamson of his office. The Court's power in the matter was by no means free from doubt. The Treasury, however, in spite of that, declined to accede to the suggestion; but on a representation which was made again in a third letter, inclosing a certificate to the following effect, re-considered the matter—

"Minute of Lord Advocate. I can only express my regret that the Treasury insist in the view they have taken up in this matter. The proposed arrangement is not only, in my opinion, a legal one, but more beneficial to the public service; whereas a continuation of the present state of matters, which seems to be the only alternative, is detrimental to the public service, and calculated to bring discredit on the Administration."

It appeared that Mr. Williamson was utterly incapable, by reason of age and infirmity, of doing any work at all, so much so that he had not for years kept any record of the fees collected by him. The Treasury then wrote as follows:—

"I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Secretary of State, that My Lords have considered further your letter of the 24th ult., and the copy of a Minute of the Lord Advocate enclosed therewith, in reference to the proposed arrangement for paying over to Mr. Williamson part of the salary payable to Mr. Begg as Sheriff Clerk of Kinross-shire; but they regret that they are not of opinion that the reasons stated at all meet the serious objections mentioned in the former letter from this Board, to the carrying out of the arrangement for filling up the office of Sheriff Clerk of Kinross in the manner specified by the warrant which accompanied Mr. Lushington's letter of the 17th September."

Then they had a letter following, in which the consent of the Treasury was given to that course being taken; and, at the same time, they wrote to the Comptroller and Auditor General informing him of the fact, and they then had a reply from the Audit Department

which concluded with the following words:—

"These observations have been suggested by the reference specially made to the Comptroller and Auditor General by their Lordships, and he has thought it right to bring them under their notice for any further remarks, as he may consider it his duty, in the public interests, to refer to the subject in his Report to Parliament."

The Comptroller and Auditor General had very properly referred to that subject in his Report, and the Committee of Public Accounts had expressed their concurrence with him. They also said, however, that they

"Desired to express their concurrence with the position taken up by the Lords Commissioners of Her Majesty's Treasury," although "not strictly legal, and opposed to the general policy of the law, which presumes with reference to any office of trust that the holder requires the payment of his salary assigned to him for the upholding the dignity and performing properly the duties of it."

And they trusted

"That with reference to future appointments the subject would receive the careful consideration of the Secretary of State."

It appeared to him (Mr. Arthur O'Connor) that that was letting off the late Government very easily indeed. They did what their own Department said they were not justified in doing; and he must say that he regarded it as nothing else than a job perpetrated in favour of that Mr. Williamson, when he was unable to do his duties, and had refused to exercise the power he had of appointing a deputy. What ought to have been done in the case, he believed, was, for the Home Office to have dealt summarily with the matter, if he continued to refuse to exercise his power to appoint a deputy to perform the duties he himself was unable to carry out. Under those circumstances, he felt it his duty to move the reduction of the Vote by the sum of £45 paid to Mr. Williamson.

Motion made, and Question proposed,

"That a sum, not exceeding £38,710, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges."—(Mr. Arthur O'Connor.)

MR. FINIGAN said, he rose to Order, and, having an Amendment to propose for the reduction of the Vote before the

*Mr. Arthur O'Connor*

Committee by £90, he wished to know, whether he should be in Order in moving it before the Amendment of the hon. Member for Queen's County (Mr. Arthur O'Connor)?

THE CHAIRMAN said, there was already a Motion before the Committee which could only be withdrawn by leave. The hon. Member for Ennis had risen after he had put the Motion to the Committee.

SIR GEORGE CAMPBELL said, that the attention of the Committee had been rightly drawn to the subject of the appointment of the Sheriff Clerk for the County of Kinross; but he thought, as the Committee had already swallowed a camel in the shape of the larger sum of £7,000, there was no necessity for straining over that very small matter. As far as he could understand, the Treasury had done everything in their power to resist the arrangement complained of; but they had been eventually compelled to give way. He hoped the Government would take warning from the present instance with regard to such appointments in the future, which could only lead to great public inconvenience.

MR. GORST said, as no one else appeared disposed to defend the late Secretary of State for the Home Department, he desired to make a few observations with that object. There had been nothing whatever in the portions of the Correspondence read by the hon. Member for Queen's County (Mr. Arthur O'Connor) to show that anything in the nature of a job had taken place. What he understood by the term job was some straining of the law of practice on the part of the Government in favour of some individuals. But with regard to the present transaction, it appeared to him that the right hon. Gentleman the late Secretary of State for the Home Department had simply carried out the necessary measures for getting rid of an old official, who, having been appointed for life, was irremovable; and he apprehended that the transaction in question was one which rather belonged to the Department than to the right hon. Gentleman the Member for South-West Lancashire. He would, therefore, like to hear what the Secretary of State for the Home Department had to say in defence of it. The transaction was one which the Treasury had resisted to the fullest extent; but, as everyone knew,

these appointments were not made by the Secretary of State for the Home Department himself, but by some permanent official in the Department, and he had no doubt that the permanent official who advised the present transaction would have furnished the right hon. and learned Gentleman with materials from which the Department could be defended when the Estimates came before the Committee. He protested against a personal charge being brought against the right hon. Gentleman the late Secretary of State for the Home Department in his absence, and he called upon the present holder of the Office to defend his Department with regard to that appointment.

MR. ARTHUR PEEL said, the hon. Member for Queen's County (Mr. Arthur O'Connor), on reading the concluding portion of the Correspondence in relation to this appointment, had come to the same conclusion as he (Mr. Arthur Peel) had himself. The Committee of Public Accounts had, with reference to the Correspondence between the Home Office and the Treasury, expressed their concurrence in the view taken by the latter Department, and admitted that the appointment was not strictly illegal, although opposed to the general policy of the law; and, at the same time, they trusted that the subject with reference to future appointments would receive careful consideration on the part of the Secretary of State. The hon. and learned Member for Chatham (Mr. Gorst) having called upon him (Mr. Arthur Peel) to defend the Department, he would state most candidly, although he was not greatly concerned to defend a transaction for which the late Government were entirely responsible, that in regard to future appointments all questions of this nature should receive the careful consideration of the Secretary of State; but he was not aware that the Secretary of State had power to take away an office which had been conferred as the present office had been. He trusted that the Committee would be satisfied with that assurance, and allow the Vote to pass.

MR. E. STANHOPE said, he regretted that his right hon. Friend the Member for South-West Lancashire (Sir R. Assheton Cross) had not been present when this question was raised, as he was sure he would have been anxious



to meet any charge with regard to this appointment, had he received any information that the subject would come on for discussion. But, so far as the present Session was concerned, hon. Members had no means of knowing what Business was likely to be brought forward. He had no doubt that the Motion of the hon. Member for Queen's County (Mr. Arthur O'Connor) had been made with perfect *bona fides*, and that the Correspondence read by him had been cited with perfect fairness. It certainly had struck him that, although there had been some little technical difficulty in the matter, the Treasury had conclusively shown by their Correspondence that they had acted with a sincere desire to promote the public interest.

Mr. A. M. SULLIVAN said, notwithstanding the recommendation of the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell) that the Committee should not strain at a gnat after swallowing a camel, it ought to be borne in mind that if the difficulty had arisen through the appointment of an old gentleman to an office for life, the Home Department had taken care to appoint another official on the same terms, thereby perpetuating the inconveniences which the Public Service had already suffered from. If, seeing the mischief that had arisen by reason of having appointed the holder of the office for life, the Secretary of State for the Home Department had taken care to prevent any new cause of difficulty in the future, no blame could possibly have attached either to him or to the Department; but he (Mr. A. M. Sullivan) could not agree, under the present circumstances, with the view of the hon. Gentleman who had just spoken (Mr. E. Stanhope), in saying that the Department ought not to be called upon to defend itself from the charge which had been made in connection with this appointment. There were two Departments concerned in this matter. He had noticed, Session after Session, that although one faithful public servant, the Comptroller and Auditor General, made an Annual Report, with the object of keeping the Committee of Supply of that House to the lines of strict public policy and legality, his recommendations were set at nought, and he could not but observe that the Committee were getting into a loose system of

conducting the Public Business. He hoped, therefore, that, in future, the Reports of the Comptroller and Auditor General would be looked upon as coming from an honest and independent public authority, and that they were, in consequence, of the greatest possible value.

Mr. ARTHUR PEEL said, if the right hon. Gentleman the Member for South-West Lancashire had been present, he would have shown himself to be the last person to shift on to the permanent officials of the Department any responsibility which belonged to himself.

Dr. CAMERON said, the Sheriff Clerks had been formerly paid by fees; but the practice had been recently altered, and they were now appointed for life at a salary.

Mr. BARING said, that the late Government having had to deal with an old man who would not give up his office, and whose work was in arrear, it was absolutely necessary that someone else should be appointed to conduct his business. He had no doubt whatever that the late Government had made the best arrangement in their power, with the intention of benefiting the Public Service.

Mr. BIGGAR said, that one point in the case was that Mr. Williamson had set the Department under which he acted entirely at defiance. He would not appoint anyone to act as deputy; would not make any returns; and, altogether, he appeared to have miscondacted himself. That was quite bad enough; but the Home Office having found, by experience, the very great inconvenience of having an official permanently appointed, proceeded, in order to remedy that difficulty, to appoint a successor also for life. That gentleman probably already neglected the duties that appertained to the office of Sheriff Clerk in Kinross-shire; and he was, perhaps, receiving a salary for doing nothing, and might possibly give much trouble to Home Secretaries in future years. He could not understand how the late Home Secretary could have acted so absurdly in putting his name to a document of the kind which had been read to the Committee by the hon. Member for Queen's County, thereby allowing his incompetence for the post of Home Secretary to appear in the official Papers laid upon the Table of the House. That appeared

Mr. E. Stanhope

to him (Mr. Biggar) to be another example of the inability displayed by Members of his Government.

MR. DICK-PEDDIE said, that he thought it due to the late Secretary of State for the Home Department to state that this was by no means the first transaction of the kind in Scotland. He knew a much more important case than the one under discussion, in which a similar arrangement had been made, and he thought it was by no means indefensible. It was to be remembered that the appointment of the Sheriff Clerks was for life, and that the Secretary of State could not have appointed anyone to the office except for life. In the present case, the course which had been pursued was entirely in the interests of the public. The old Sheriff Clerk had been blamed for not retiring; but he (Mr. Dick-Peddle) thought it was rather hard to blame him for refusing to give up that to which he had a legal claim, and for giving up which the law provided him no compensation. Though the new Sheriff Clerk was under the obligation of paying half the salary to the late incumbent during his life, he could well afford to do this, as the late Clerk was upwards of 80 years of age, and he could only enjoy half of the salary for a very few years indeed. No blame, therefore, attached to the late Secretary of State for the Home Department. The transaction might not be a desirable one in the public interest; but if Parliament wished to do away with such transactions it must alter the tenure of such offices.

LORD FREDERICK CAVENDISH said, the circumstances under which these officers were appointed required careful consideration. With respect to the remarks of the hon. and learned Member for Chatham (Mr. Gorst), he should have thought that, with his legal knowledge, he would have been well acquainted with the 21st and 22nd of *Vict.* If the hon. and learned Member referred to that Act he would find the case provided for.

MR. GORST said, he rose for the purpose of stating that the Committee must be conscious of the extreme inconvenience under which its labours were conducted by reason of the absence of the Lord Advocate at a time when the subject of Scotch law was under consideration. Had that officer been pre-

sent, the discussion would have been brought to an end much sooner than it appeared likely to be. From the statement of the hon. Member for Kilmarnock (Mr. Dick-Peddle), which he (Mr. Gorst) had no doubt was perfectly accurate, it was quite clear that the Secretary of State for the Home Department could not dispossess the Sheriff Clerk, who held office for life and could only be disposed of on account of misconduct. The hon. Member for Cavan (Mr. Biggar) had, it was true, alleged misconduct against him; but nothing specific appeared to be alleged, except that he was 90 years of age, a fact which the most severe tribunal would not consider a sufficient ground for his removal from office. He hoped the Lord Advocate would be present in the House of Commons as soon as possible.

MR. ARTHUR O'CONNOR said, he wished to disclaim any intention of making a personal attack on the late Secretary of State for the Home Department; but he knew perfectly well that a Secretary of State was but of secondary importance within the walls of his own Department. He was, in fact, nothing more than a temporary clerk. In the present instance, he had no doubt whatever that the late Home Secretary was entirely ignorant of the persons appointed to this office, and that he simply signed the document placed before him upon the authority of one of the permanent officials. He wished to point out that this post of Sheriff Clerk was not paid for by salary at all. In the generality of instances it was paid for by fees.

DR. CAMERON said, he had already pointed out that the latter was the case under the old system which had died away, and the clerk was now paid by salary.

MR. ARTHUR O'CONNOR said, if that were the case, neither the clerks in the Treasury nor the Home Office seemed to be aware of the fact on the 14th of December, 1879. A successor had been appointed to the office on terms which entirely altered the tenure by which the post was held; and, accordingly, the late Government had the advantage of retaining a gentleman who, for four years, had not done any work, and had refused to do any work, in spite of the repeated objections which had been made. The Treasury had, no doubt, suggested to

the Comptroller and Auditor General to make the representation to the House in connection with the matter, so that the Committee might fortify the Treasury in their opposition to the Home Office.

SIR PATRICK O'BRIEN said, he had been under the impression that the Secretaries of State were persons accountable to Parliament and liable to be called upon for explanation in connection with the details of their Department; but he now heard, for the first time, that they were merely lay figures, and that persons whom no one knew anything about actually ruled the State. Under those circumstances, he thought the Government ought to consider who were these *ignota* who were supposed to control the actions of the principal Ministers of State.

LORD FREDERICK CAVENDISH said, it was a matter of extreme regret that the right hon. Gentleman the late Secretary of State for the Home Department had not been present during the discussion, as he felt certain he would have repudiated the defence which had been made on his behalf.

MR. D. M'LAREN said, the Sheriff Clerks occupied the same position in Scotland as town clerks in any city or borough in England. They were the custodians of all public documents, and transacted a variety of public business such as administrative affairs about legal proceedings. It was impossible that business of that kind could be allowed to stand still; and, with regard to the present appointment, he believed that although the late Secretary of State for the Home Department had done something which was not technically in accordance with rule, he was satisfied that he was morally right in the action he had taken. He thought he had made a good bargain for the public in removing the difficulty that existed, and trusted that the Vote would now be allowed to pass.

SIR H. DRUMMOND WOLFF asked why the Secretary of State for the Home Department was not there to explain this matter? There was not a single Cabinet Minister on the Treasury Bench.

MR. FINIGAN said, he had listened with very great disfavour to the heresy he had just heard. The doctrine had been laid down that a person appointed for life to an office might do what he pleased

without being deprived of his office. He (Mr. Finigan) deemed that a person appointed for life, of course, under the ordinary laws of common sense and equity, had certain rights; but he had equally corresponding duties; and as this Mr. Williamson had not been able to perform those duties he thereby lost his rights. Following up the policy of the Government, this Mr. Williamson ought to have been put upon a pension; and it was certainly a most monstrous thing to appoint another man, and to allow him to make a compromise, by which he only took a certain portion of the salary. It seemed to him that this was merely a job, and that his hon. Friend the Member for Queen's County (Mr. Arthur O'Connor) deserved the best thanks of the Committee for having brought forward so flagrant an instance of injustice.

SIR JOHN HAY said, the Committee would find an authoritative instance for this practice in the case of Sir Walter Scott, who, when he was appointed to a judicial office in Scotland, paid half the salary to his predecessor. It was a very common practice; and though he did not know whether it was exactly legal or not, he did place the greatest confidence in the Comptroller and Auditor General. He might observe also that even if this Resolution were carried it would not amend the matter; for it would deprive Mr. Williamson of his salary, and it would not give back to this young man the money that he had paid.

MR. GORST wished to say a few words in answer to the attack that had been made upon him. If he was asked who was responsible for this Budget, he should say the Financial Secretary to the Treasury. He was the person who submitted those Estimates, and who ought to have been there to defend them. Therefore, he called upon the only hon. Member present representing the Home Office to get up and defend the Vote. His conduct was perfectly constitutional, and he merely asked for an explanation from the hon. Member of the Government who submitted this Vote.

MR. BIGGAR said, he would not give his own opinion in regard to this matter, but would merely read a few lines of a document signed "W. Lord, Library Chambers," in which it was said that—

"Owing to the fact that Mr. Williamson, the late occupier of the office, had not for many

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years kept any record of the fees received by him, neither did there exist in the office books any entries giving details of the business and the returns of the fees, it seemed doubtful to him whether a gentleman who for years had neglected his duties in that way was entitled to a pension."

Something had been said of the manner in which Scotch Business was managed; but he would say one thing for the Scotch Members—that they did stick together. No matter how frightful a proposition was made by any Scotch Member, every Scotch Member would be sure to get up and vote for it. He really believed that if Mr. Williamson committed murder or perjury in his capacity as Clerk to this Sheriff, or whatever it was, that the Scotch Members would have defended him and given him a pension.

MR. ARTHUR O'CONNOR said, he did not wish to push this question to a division; therefore, he would ask leave to withdraw the Motion, the more especially as he had been asked to do so by his hon. Friends.

SIR GEORGE CAMPBELL said, he was rather jealous lest, in the discussion of this small sum of £45, attention should be drawn away from the other question as to the £3,000 a-year for an additional Judgeship. He understood, however, so far as the observations of his noble Friend the Secretary to the Treasury had reached him, that his assurances were distinct, that before any future Judgeship was filled up the matter should be very fully considered whether it was necessary that another Judge should be appointed at all. As also the Scotch Judges were paid less than either those in England or in Ireland, if the number were diminished that would be a very good opportunity for increasing their salary.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. FINIGAN said, he should now move the reduction of the Vote by £90. The Government had confessed that that sum was there through either some accident or some misunderstanding. There was neither rhyme nor reason for it, and the noble Lord the Secretary to the Treasury ought to consent to cut out that item without putting the Committee to the trouble of a division.

Motion made, and Question proposed,

"That a sum, not exceeding £38,665, be granted to Her Majesty, to complete the sum

necessary to defray the Charge which will come in course of payment during the year ending the 31st day of March 1881, for the Salaries and Expenses of the Courts of Law and Justice in Scotland, and other Legal Charges."—(*Mr. Finigan*.)

MR. ARTHUR O'CONNOR also hoped the Government would not force the Committee to divide, but would accept the reduction, as it was perfectly plain that the officials who drew up the Estimates had made a clerical mistake, involving an overcharge of £90. Though the noble Lord (Lord Frederick Cavendish) had tried to define the amount, the item could not be explained away, and he maintained it was a wrong one altogether. He knew it was not the only instance in which blunders existed in the Estimates, and he would undertake to say that in the course of the discussion they would find half-a-dozen others.

LORD FREDERICK CAVENDISH said, he would not deny that, among so many thousand items, there might not be a mistake; but he could vouch for the excessive clearness with which the Estimates had been drawn up. He believed the explanation of this apparent overcharge was that last year too small an Estimate was taken, and that, therefore, it was necessary to increase it this year. As he had already said, the effect of striking out the item, supposing he was correct, would be to deprive a clerk of a salary to which he was entitled. He was quite sure that the Committee, without fuller knowledge of the facts, would not wish to commit that injustice.

LORD RANDOLPH CHURCHILL said, there was a course which was very convenient for the noble Lord and the Committee, which might be easily taken, especially as it had been taken before. The other night, in consequence of the great number of Votes carried through quickly, £100 was omitted which was necessary; and, on the following day, all that the noble Lord had to do was to take a Supplementary Vote for £100. As a matter of principle, it was obviously perfectly improper to ask the Committee for £90, which, on the face of the Estimate, was not necessary. Let the noble Lord stick to the principles which he (Lord Randolph Churchill) was perfectly certain he would have advocated in Opposition. Omit this Vote now, and then, if it was necessary afterwards, he could bring forward a Supplementary

Vote which would pass through Committee without opposition.

LORD FREDERICK CAVENDISH wished to say that he could not admit that the facts were as stated by the noble Lord (Lord Randolph Churchill). It was all but certain that this was merely an increase over last year, rendered necessary by the fact that too little was taken. If he took the advice now offered, when they came to Report he would have to ask the House to re-commit that Vote, as it would have again to pass through Committee.

SIR H. DRUMMOND WOLFF said, he did not see by what right the noble Lord lectured the Committee. They were there to see that the Estimates were properly passed. At present, there appeared to be an item which was perfectly irregular, and which he could not explain. Yet, when they made respectful representations to him in regard to it, they were browbeaten in this way.

MR. DAWSON suggested that, as these Estimates had been prepared by the Predecessors of the present Government, that one of them might, perhaps, be able to explain a matter which evidently the noble Lord the Secretary to the Treasury could not.

MR. GORST said, he wished to make an appeal to the noble Lord the Secretary to the Treasury in the interest of getting through Business. ["Oh, oh!"] That was how he and his Friends were met when they tried to expedite the Business. [*Laughter.*] When he rose to try and assist the Government, he was met by inarticulate noises from the Gentlemen below the Gangway on the other side of the House, who were new to that House, who were not accustomed to its procedure, and who would do far better to sit in silence, and learn what it was before they ventured to interrupt. The proposition which he had to make was one entirely in the interests of the progress of Business. In the Estimates there was clearly an error. It was not an error of the noble Lord, but of the late Government. It was ten to one that it was merely an arithmetical mistake; but it had been pointed out if the Committee of Supply was ever to mean anything, or was to be of any use whatever, the proper course of the Government, when an error was pointed out apparently merely arithmetical which they were unable to explain, was to con-

sent to the reduction of the Vote, and then, if afterwards it was found that the money was necessary, the noble Lord could get the Vote re-committed. He offered that suggestion in perfect good faith; but if the noble Lord persisted in refusing to adopt that course, and forced the Committee to divide, he was quite sure it would excite angry passions, and that they would not make that rapid progress in Business which was so much to be desired.

MR. HOPWOOD said, there was a tone and temper about the last observations they had heard which was significant, especially as one of the hon. Members opposite had distinguished himself when the Committee was last being counted by leaving it, so that for a short time the House was deprived of one of its ornaments. The question was really whether this was a discussion worthy of the House of Commons, or more fitted for a number of boys talking in a debating society. That thought naturally occurred to his (Mr. Hopwood's) mind, when he found suggestions made that angry passions would arise; that this matter was all important; that advice was offered concerning it to the noble Lord; and that then, when he attempted to explain, he was immediately accused of "browbeating" the Committee. All that might be very amusing; but he (Mr. Hopwood) doubted whether it was conduct that raised the character of the House, or of the men who used it, in the public estimation. That, however, was their own look out. The item under consideration did not seem to him to be a mistake. These clerks were entitled to a minimum salary of £250, or a maximum salary of £350. It by no means followed that the increase on this account was exactly the same each year, and he thought this difference might very probably have arisen from some changes in the Office. The amount was one of calculation for the ensuing year.

MR. CHILDERS said, a good deal of time had been wasted in discussing this item of £90; but he should be able to show, in a very few words, that the Estimate as framed was probably quite correct. In preparing these figures the Estimate of the previous year was always taken *prima facie* as the basis of calculation, and on that, subject to such variations as were reasonably to be anticipated, was based the Estimate of the coming year.

*Lord Randolph Churchill*

Now, in the Estimates for last year, the sum asked in the Estimate was based on the assumption that, compared with 1878-9, there would be a considerable reduction from resignation or death; but, instead, a much less reduction had taken place, and therefore, upon the present year, it was necessary to make some addition to the amount asked for last year. This simple explanation would have been apparent to hon. Gentlemen opposite if they had happened to have before them the Estimate for the year before.

LORD RANDOLPH CHURCHILL said, no doubt, the explanation now furnished by the right hon. Gentleman (Mr. Childers) coincided with that given by the noble Lord the Financial Secretary to the Treasury; but, at the same time, the Committee were entitled to have an authoritative explanation from the Government of the matter, although he thought his hon. Friend (Sir H. Drummond Wolff) had gone too far in speaking of browbeating. It must be remembered, however, that the noble Lord made use of a most curious expression, when he said he was "all but" certain that it was so. He (Lord Randolph Churchill) would appeal, at the same time, to the hon. and learned Member for Stockport (Mr. Hopwood), and other hon. Members near him, and he would venture to ask them whether, if a Conservative Secretary to the Treasury had ventured to stand up and use such an expression, he and his Friends would not have actually exploded with indignation? They were constantly being told that these were the Estimates of the late Government; but, at the same time, the noble Lord had now been in Office for four months, and had had time to master the Estimates; while the Committee had nothing to do with the present Government or the late Government, and had only to consider the character of the explanations which were offered. He did ask whether the Committee ought to be called upon to accept such explanations as had been originally offered to them? The magnitude of a sum made no difference. It was the principle involved. He maintained that there ought to be satisfactory explanations of every one of those items; and, until the Government could give them, he should abide by the principle, and he hoped the Committee would do the same, of dividing

against an apparently unnecessary Vote. He would never consent to vote public money, whether it was £90, £900, or £900,000, until they had a perfectly satisfactory explanation of every item that was questioned from the Government.

MR. CHILDERS asked the noble Lord the Member for Woodstock (Lord Randolph Churchill) to allow him to repeat what he had already said, although he must observe that during the 20 years he had been a Member of that House, and in many of which he himself had criticized the Estimates most narrowly, he had never ventured to dispute such an item as this after it had been explained. There were 11 clerks in this Office whose salaries increased £20 a-year; yet the Estimate this year was only £40 more than it was two years ago. It was quite evident that last year there was an under-Estimate, and this year that was put straight. He hoped that, with that explanation, the Committee would be satisfied, and allow the Vote to be taken.

MR. R. N. FOWLER said, he hoped the hon. Member for Ennis (Mr. Finigan) would not go to a division on the Vote. It certainly seemed to him that the Government, having gone very carefully into the Estimate, the Committee ought to place confidence in them. He was not any more a supporter of the Government than his hon. and learned Friend the Member for Chatham (Mr. Gorst); still, the noble Lord (Lord Frederick Cavendish) had taken up the Estimates, and he (Mr. R. N. Fowler) thought that if they could not trust him on a small question of that sort there would never be an end to the Business of the House. There was a great deal of Business to be got through, and he trusted that no more time would be lost over that small question.

LORD RANDOLPH CHURCHILL said, that the hon. Member for the City of London (Mr. R. N. Fowler) had spoken the sentiments of the old historical Tory Party, which, on matters of public expenditure, were not the principles which he (Lord Randolph Churchill) himself should be inclined to follow. The hon. Member talked about wasting time over a paltry matter; but if the Tory Government had been more attentive to the principles involved in these paltry matters, they might still have been sitting on the

Benches opposite. Now, if the right hon. Gentleman the Secretary of State for War (Mr. Childers) would say that the explanation he had offered was an official explanation, to which he would pledge himself as a Minister of the Crown, then, so far as he (Lord Randolph Churchill) was concerned, he would accept it. But, if it was only a suggestion on the part of the right hon. Gentleman, he did not think it could be satisfactory to the Committee.

Mr. CHILDERS said, that when the Government made their explanations they made them on the faith of the Papers before them. He had already said that nothing could be more clear, from the Papers before them, than that the figures were merely Estimates, and that only a probable Estimate could be given.

Mr. BIGGAR said, that the right hon. Gentleman (Mr. Childers) had told the Committee that it was only a plausible, or rather a probable, excuse that he was making. Now, he (Mr. Biggar) could not see on what ground the right hon. Gentleman told them that, because, a few years ago, a certain sum was estimated, therefore the amount expended in the current year must coincide with that. There was really no reason why the amount should be £90 more than it was a few years ago, because, in point of fact, one cost no more than the other. It was clear that there was a mistake last year; and if the Committee were not to criticize the Estimates from the documents before them, he really did not see the use of criticizing the Estimates at all. It was clear that last year a certain sum was estimated for, and that £200 represented the very greatest increase that could take place, whereas they found that £90 more was to be paid down. But the right hon. Gentleman said it might be so and so; it was just possible that, last year, a mistake was made, and that, therefore, they should take it at the same amount during the present year. Now, that appeared to him (Mr. Biggar) to be the loosest possible argument on which they could base their decisions. If he might make a suggestion, he would say that when a palpable mistake appeared on the face of the Estimates, if the Government would give way at first, and offer to put the matter right, they would save an enormous amount of trouble and time

to the Committee, and also to themselves. But, at the present time, they said—"We cannot explain the discrepancy; but we must have a decision in our favour, although, in point of fact, we know nothing about it." He hoped the Committee would not agree to pass the Vote without further explanation.

Mr. ARTHUR O'CONNOR said, that the Committee had a great deal of work before them; and as every division took up a certain amount of time he should be glad to see divisions avoided as much as possible, if the time occupied in them could be more usefully spent. In that particular instance, he was free to confess that, after the statement of the right hon. Gentleman the Secretary of State for War (Mr. Childers), he was prepared, so far as he was concerned, to join in asking his hon. Friend the Member for Ennis (Mr. Finigan) not to push his Amendment to a division; because, although the Estimates were wrong, and though they were misleading, still it might be that the error was not so much in the amount that was asked for in that year, as the amount which was put down and required for the previous year. It appeared to him that when a gentleman had to draw up Estimates like those, it was perfectly plain that, unless there was some explanatory matter, there was great risk of the time of the Committee being taken up in seeking explanations; and he, therefore, suggested that an explanatory foot-note should be added.

Mr. A. M. SULLIVAN said, he was about to suggest to his hon. Friend the Member for Ennis (Mr. Finigan) something very like that which had fallen from the hon. Member for Queen's County (Mr. Arthur O'Connor). After the statement so frankly made by the right hon. Gentleman the Secretary of State for War (Mr. Childers), it would be very difficult indeed to bring that matter to a division. But would the right hon. Gentleman allow him (Mr. A. M. Sullivan) to say that the ground behind the contention on which so much time had been lost was a very substantial ground. He said that they were going to vote public money on probabilities, and haphazard guesses of what might be the probable explanations a Minister might be able to give; and he protested emphatically against the doctrine of the hon. Member for the City of London

(Mr. R. N. Fowler), that they should trust to the Government in those matters. That was the way in which the French Chambers subserviently voted money to Napoleon III.—taking it away from Peter and giving it to Paul, to use for somebody else. They would do nothing of the kind. They might have lost some time over a matter of £90; but the principle was the same as if the money involved was £90,000.

MR. FINIGAN said, he rose, first of all, to remark that when, on a previous Vote, he had called attention to the same item on a somewhat similar subject, he was told by one of the hon. Gentlemen on the Government Bench that the foot-note to which he referred was a mere clerical error. He, upon that, at once gave way, and ceased to offer any further opinion. He believed that that item of £90 had also sprung from some error; but he was quite prepared to accept the explanation that the £90 had been a deficit from last year, and that it would be duly made up and accounted for next year. On that understanding, he should be very happy to withdraw his Amendment.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(6.) £22,650, to complete the sum for the Register House Departments, Edinburgh.

MR. D. M'LAREN said, he ventured to object to the course the Government had pursued with regard to the Vote. The Committee would perceive that the total expenditure of the year was estimated at £36,000, and they would perceive in a note, a little further down, that the fees charged for work done to owners of property registered and others amounted to £44,800; so that, in place of the Government paying anything to the support of that Office, there was a surplus of upwards of £8,000. And, in connection with that, he might state that the clerks in the Office were very much underpaid. They were paid much less, and especially the junior clerks, than the clerks of any other Office in the Kingdom. It seemed to him a very extraordinary thing that when that large sum was earned by that Office the expenditure should be arranged in so niggardly a way; but it was so. The matter had been often brought before

the Committee. The late Secretary of State for the Home Department was so impressed with it that he went down to Edinburgh himself, went through the different departments, and satisfied himself that great changes were required, and that the salaries ought to be increased. He obtained an Act of Parliament, 12 months ago, for that purpose, and his (Mr. D. M'Laren's) complaint was that nothing had been done up to that day. Those men were, in a moral sense, robbed of their earnings. And there was an Act of Parliament in existence which stated that, whenever the surplus fees of the Office should come to more money than was spent in the Establishment, the amounts of the fees should be reduced, so that the income should never be in excess of the expenditure. Well, in the face of that Act of Parliament, the Treasury had pocketed the surplus, at the same time refusing decent salaries to the clerks. Another grievance was, that the principal of that Office formerly had the appointment of the clerks in his own hands, and he was responsible for them. Now, the Act passed in the previous year relieved him of that responsibility, and placed the appointment of the clerks in the hands of the Treasury. He complained that, while the Treasury had thus got the power into their own hands, under certain conditions, of increasing the salaries and granting retiring allowances, they had not done anything whatever to carry that Act into effect. There was another point. It would be seen from a note that the Non-Effective Charge and Superannuation Estimate was £6,321. If that were a legal deduction from the surplus of £8,000, the surplus would be reduced to about £2,000. But the same Act of Parliament which provided for giving compensation to the parties referred to provided that the compensation should be payable from funds furnished by Parliament. It was quite clear that the Treasury were acting, if not illegally, at least most unhandsomely, to the officers of the Establishment. He believed that everything in the Estimate was repaid by the owners of houses and lands in Scotland, and that the Government were making a profit out of it.

LORD FREDERICK CAVENDISH said, he did not think the Office made quite as much profit as was imagined by



the hon. Member for Edinburgh (Mr. D. M'Laren.) There was not only a Non-Effective Charge of £6,321 a-year, but there was also the cost of stationery, repairs to buildings, and possibly, also, of new buildings which might have to be erected; and when all that was added to the Effective Charges, he thought it would be very difficult to say that the Department was more than self-supporting. His hon. Friend had stated that, by the Act of last year, no benefit was received by the clerks of the Register House Office; but although their salaries were not directly increased, they became thenceforth entitled to the benefit of the Superannuation Act. Therefore, the whole status of the Office was very much altered by the Act of last year. Besides that, a Departmental Committee had now been appointed to consider what, if any, changes should be instituted in regard to the salaries, and he hoped that next year the result of their inquiry would be made known.

MR. D. M'LAREN said, he objected altogether to hypothetical Estimates for new buildings which might never be erected. As, however, a Departmental Committee had been appointed to inquire into the subject, he should not take further objection to the Vote.

*Vote agreed to.*

(7.) £50,787, to complete the sum for Prisons, Scotland.

MR. ARTHUR O'CONNOR said, that he had before remarked that these Estimates had been prepared with great carelessness, and he undertook to show a number of instances. On that very Vote there was an instance. On page 239 the noble Lord the Secretary to the Treasury would see an item for the Steward and Superintendent of Prison Manufactures in Scotland, minimum salary £250; annual increase, £10, maximum, £350; present salary, £250; salary, last year, £225. Well, then, a little further down, he saw first-class Clerk; minimum salary, £140; annual increment, £5; with a maximum of £190; although he appeared to have had £165 last year, as the minimum; and £5 brought him not up to £170, but down to £155. These, however, were minor matters, which the noble Lord would probably think unworthy of the attention of the Treasury or of himself. He would, therefore, point out in regard

to that Vote for Prisons in Scotland that the same objections as those urged against the Vote for Prisons in England were equally good in the case of Scotland. From the Return moved for by the hon. Member for Louth (Mr. Callan), it appeared that whereas in the Scotch Prisons there were 1,800 Presbyterian prisoners, the salaries of the Presbyterian chaplains amounted to £2,240, which was more than £1 5s. per head per prisoner. The prisoners not being Presbyterians numbered 285, and the salaries of the prison clergymen not being Presbyterians amounted to £253, so that they received nearly 18s. per head per prisoner. But there were 1,004 Catholic prisoners in the Scotch prisons, and the gross salary paid to all the Catholic chaplains amounted to £70 a-year; so that they appeared to receive the liberal allowance of 1s. 4½d. per head per prisoner, against 18s. per head for prisoners other than Presbyterian, and £1 5s. per head for Presbyterian prisoners. He hoped to hear from some Member of the Government that that matter would be looked into when the question in connection with the English prisoners was taken up.

LORD FREDERICK CAVENDISH said, he thought the criticism of the hon. Member (Mr. Arthur O'Connor) with regard to the Steward and Superintendent of Prison Manufactures in Scotland arose from the fact that there had been a change made in that office since last year. So far as he could ascertain, the offices of Steward and Chief Clerk were combined, and the officer would receive a salary of £220 a-year. Since that office had become vacant, a Steward and Superintendent had been appointed at £250 a-year, and a first-class Clerk had been appointed at a lower salary than that of his predecessor. With regard to the question as to the chaplains, he could only repeat the assurance already given with respect to the English Vote—that the subject should have the most careful consideration of the Home Office, and when, next year, the Estimates were presented, he hoped that that objection would be removed.

MR. A. M. SULLIVAN said, he thanked the noble Lord the Secretary to the Treasury for the assurance he had just given, because he might take it for granted that nothing but the most strenuous objections would be raised by

*Lord Frederick Cavendish*

the Irish in that House against the scandalous discrepancy pointed out by his hon. Friend (Mr. Arthur O'Connor). As to the conjectural explanation given of the other point which had been alluded to, it might be the real explanation; but, as a matter of fact, these Estimates beat out the American Fifteen-cube Puzzle. He was now beginning to sympathize with the noble Lord, who, having to explain conjectural Estimates, received not the slightest countenance or assistance from the right hon. Gentlemen who had prepared them.

*Vote agreed to.*

#### CLASS IV.—EDUCATION, SCIENCE, AND ART.

(8.) £7,050, to complete the sum for Learned Societies and Scientific Investigation.

MR. A. M. SULLIVAN said, he would move to reduce the Vote by £7,000. That was a Vote, in reality, for the Meteorological Council. The Meteorological Council was a body of gentlemen nominated at the request of the Government by the Royal Society, and in the grant before the Committee at that moment there was included a sum of £1,000 in payment of the services of the Council. Now, the Meteorological Department received altogether a sum of about £14,500 of public money; and the data collected by that Department were, no doubt, extremely useful so far as the public were enabled or permitted to see them. But after voting public money to so considerable an extent for the collection of those data, they were not allowed to see them when they could be of most use, except on payment to the Meteorological Department of a certain sum of money. The information, no doubt, was very useful; and it might be said, as he had no doubt the noble Lord the Secretary to the Treasury would say, that he had been able to obtain from the newspapers from £10 to £15 per annum each for publishing it. The Returns of the Bank of England were very useful returns, and if the Bank of England would only give them to the newspapers on payment of £10 or £15 a-year, the newspapers would be glad to give the Bank of England that subvention. No doubt, the Returns of the Registrar General of the births, deaths, and marriages, and the death rate in the country

were very useful. The public money was spent in the collection of those statistics; but the value to the public consisted in the diffusion of that information as widely as possible. Now, it was only in the last few years that the weather forecasts had really begun to excite attention throughout the country, or to command any degree of confidence whatever. It was not until America and the private enterprize of one gentleman or one institution in New York had outstripped the rest of the world that our Meteorological Institution felt the necessity of putting itself abreast of the requirements of the age. Certain of the forecasts of the Meteorological Department were divulged at an hour of the day when they were comparatively useless to the public; and it was reserved for the private enterprize of *The Times* newspaper by offering, in addition to the £14,500 of public money, a separate payment of £500 or £1,000, to procure that these figures should be given to the public at an hour of the day when they would be of real value to the country. Before he went further in his protest against this reproach of a Government institution, for that was what it was, thus allowing itself to be subventioned by the enterprize of a spirited private newspaper, let him call attention to the grave necessity for diffusing that information as widely as possible. Those weather forecasts professed to give information for the guidance of seamen, owners of vessels, captains, and others putting to sea from their ports. He was informed by some hon. Members of that House that, within recent years, the agricultural interest had come to watch those forecasts very closely, especially during the approach of harvest time, so that all the value the public would get for its £14,500 would be nothing at all, if the information was to be locked up in the desks and bureaux at the office. He protested against the attempt, for the sake of £500 or so, to make that information private property, and to keep it locked up in a desk, unless the newspaper would consent to pay £20 or £25 per year for publishing it. What right had the Department to traffic in information? By what right did this Council say to the papers of the country—"You must give us £25 a-piece, or no citizen shall see in your paper this information?"

If the money granted to the Department was too little, then let them increase it; but he did maintain that it was wrong for the Council to receive money in that way. He would rather that the Committee should be asked for another £500, than that that pernicious and vicious practice of selling information in that way should be pursued. He might be told that it was only £20 a-year; but he protested even against 20s. being received in that way. Besides, it was a wrong principle to lay down. Many newspapers would give 100 guineas for prior information from the various Government Departments; and yet he should like to know what would be said if, because *The Times* would give 1,000 guineas for preferential publication of Foreign Office despatches, it were proposed to sell public information to them in that way? The Meteorological Department had not wakened up yet, and it was by no means what it should be. If it had not been for *The New York Herald* forecasts, in fact, they would be half-a-century behind the times. He knew, from his own inquiries, that these forecasts were keenly watched and looked for at the small ports as well as the larger ones; and, from letters which he had himself received, he was aware that the coasting trade looked out for those forecasts with the keenest interest. He did appeal to the Government so to manage this information that it would be at the disposal of the public everywhere. Of course, he would apply to the Vote this year the same forbearance which had been applied to all other Votes; because, at the present, the Government were not responsible for these Estimates; but he certainly should hold them responsible next February for whatever they did, and he should hope that the noble Lord would be able materially to improve these Estimates. He would move that the Vote be reduced by £7,000.

**THE CHAIRMAN:** It has been held, on previous occasions, that such a proposition is equivalent to substantially negating the Vote, because it only leaves a very small sum to be put.

**MR. A. M. SULLIVAN** said, he should raise his point sufficiently by moving the reduction by £1,000.

Motion made, and Question proposed,  
“That a sum, not exceeding £6,050, be granted to Her Majesty, to complete the sum necessary

to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for Grants in Aid of the Expenditure of certain Learned Societies in Great Britain and Ireland.”—(*Mr. A. M. Sullivan.*)

**LORD FREDERICK CAVENDISH** said, he substantially agreed with what had been said by the hon. and learned Gentleman (*Mr. A. M. Sullivan*), that the more information that could be obtained the better; but he should like to make one or two observations upon what had been said. The hon. and learned Gentleman seemed to think that the sole object of the Meteorological Department was to obtain these weather forecasts. Admiral Fitzroy, of the Board of Trade, first initiated this system; but his forecasts were found not always to be correct, and for some time no more were made. At the same time, it was considered of so much importance that the infant science of Meteorology should be developed, that a grant of £10,000 a-year was given to a Committee nominated by the Royal Society, to develop, as far as possible, that science. Of that sum, even at the present moment, a comparatively small proportion was expended in the preparation of these forecasts. He was very glad to hear that they were considered to be of so much importance; but they were still very experimental, and, therefore, any tribute like that of the hon. and learned Gentleman to their value was the more satisfactory. His criticism, however, was mistaken in one small point. He said these forecasts were greatly valued at the seaports; but what were called storm warnings were invariably telegraphed, at the present time, to all our ports free of charge; and it was only the daily forecasts for which any charge was made. That arose in this way. During office hours two reports were made, free of charge, daily, to anyone who wished to receive them. Owing to the enterprise of *The Times*, a short time ago, additional expense was incurred, so that the telegraphs were kept open to a later hour, and clerks retained at the office, preparing later forecasts. The whole cost of that was defrayed by *The Times*. Shortly afterwards, two other newspapers wished to join in publishing them, and since that time the charge had been defrayed by these three newspapers. For his part, he did not think it was desirable that information of this

*Mr. A. M. Sullivan*

sort should be confined to even the most public-spirited journals; and, therefore, he had, to some extent, made arrangements to meet the views of his hon. and learned Friend. He had not, however, gone further this year, because the Committee had set its face against Supplementary Estimates; and partly, also, because he wished to test the value put upon these forecasts by the newspapers and the public. He thought, instead of taking a large sum from certain newspapers, they should allow any newspaper, at a moderate sum, to obtain these forecasts. The subject, however, should be considered next year, when the Estimates were framed, with the definite view of ascertaining whether or not the forecasts were of sufficient value to make it worth while spending more money upon them.

SIR H. DRUMMOND WOLFF said, he could not complain of the course adopted by the noble Lord; but, at the same time, this expenditure was something very useful to the country; and, therefore, he thought the noble Lord need not be afraid of coming down to the House and asking for a Supplementary Estimate.

MR. DAWSON said, there was a charge for the Royal Academy of Music for £500.

MR. FINIGAN: I rise to a point of Order. Is it in Order for any hon. Member to speak, Sir, until you have put this Vote to the Committee?

THE CHAIRMAN: The Vote has already been put to the Committee.

MR. DAWSON said, if that charge of £500 was the only one that was made for music, it was a very inadequate sum indeed. He saw also a Vote of £250 for the Royal Irish Academy of Music. Was that all that was given for the teaching and culture of music in a nation which had long been renowned for its enjoyment of that art? Further, that sum even was hampered by a condition which was not applied to the grant of £500, that a certain amount should be raised in public subscriptions.

LORD FREDERICK CAVENDISH said, he quite agreed with the hon. Member opposite (Mr. Dawson) in estimating the value of the love of music. They were not going to accept the doctrine that nothing could be done without the aid of Parliament. It did not

follow, because these grants were small, that, therefore, the love of music in Ireland would be small also.

MR. A. M. SULLIVAN said, he would withdraw his Amendment in view of the assurance which had been given by the noble Lord that next year he would go into the whole matter. He would only say to him, if he had any doubt as to the value of these forecasts to the agricultural community, that the Chamber of Agriculture, of which the Duke of Devonshire was Chairman, took a very lively interest indeed in this question. He must also say that he believed America would beat us outright on this question of forecasts, unless we widened the area and increased the points of observation. Otherwise, we could not hope to compete with the United States in collecting information about the weather. We must have a wider area; and he would suggest that an International arrangement might be possible by which information could be exchanged.

Motion, by leave, *withdrawn*.

LORD FREDERICK CAVENDISH said, if we were to compete with the United States, we should not only have to collect information much more widely, but we should be obliged to establish stations on the Atlantic.

LORD RANDOLPH CHURCHILL said, reference had been made to the American weather reports; but he might observe that only a very small proportion of those turned out to be correct. He knew of one case where a storm was telegraphed, and the English authorities repeated the warning all over the coast. As a consequence, all the fishing boats in Penzance Harbour would not put out to sea except one. There was no storm, and the one boat which went out made an enormous profit; while the rest of the fleet sustained a serious loss. He hoped the noble Lord would also give them some information with regard to the Academy of Music in England, which had only been established, as he understood, quite recently. He should like to know generally what progress had been made since it started?

SIR H. DRUMMOND WOLFF said, they were told that the Irish Estimates would be excluded altogether; but here was a Vote for the Royal Irish Academy of Music included with another. He had no objection to it personally; but,

as that pledge had been given, he should like to ask why an exception had been made?

LORD FREDERICK CAVENDISH said, the fact had escaped his attention. If the Irish Members had any objection to the Vote being passed, he would not press it. He did not suppose, however, that anybody would object to so small a charge as that. He was afraid he could not say much about the forecasts from the United States; but of those used generally in the United States themselves, he knew from the great extent of country they covered that, as forecasts of the weather, they were very much to be depended upon. With regard to the Royal Academy of Music, he could not give the noble Lord the Member for Woodstock information; but if he desired it, he would obtain a Report with regard to it. It was established in 1873, and the annual income was derived from subscriptions, fees, payments, and interest. [The rest of the noble Lord's statement was quite inaudible.]

MR. FINIGAN: Mr. Chairman, what is before the Committee? I must once more point out that you have not placed before the Committee the Amendment moved by the hon. and learned Member for Meath (Mr. A. M. Sullivan).

THE CHAIRMAN: The hon. Member for Ennis (Mr. Finigan) could not have been in the House when I explained that it had been ruled by a previous Chairman that the reduction of £7,000 on a Vote of £7,050 could not be proposed as an Amendment, and the hon. Member bought to negative the whole Vote.

MR. FINIGAN: I was not only here, Sir; but I heard you say that. I did not, however, hear you put the Amendment.

THE CHAIRMAN: The original Vote is before the Committee, and it is upon the original Vote that we are now going. There is no Amendment, as it was withdrawn. The hon. and learned Gentleman the Member for Meath accepted my ruling, and agreed that it would negative the Vote as proposed from the Chair.

*Vote agreed to.*

(9.) £6,726, to complete the sum for the University of London.

MR. ARTHUR O'CONNOR said, he had already remarked that the Esti-

mates were drawn up with very great carelessness, and he then undertook to point out instances. On this Vote for the University of London they would scarcely expect to find proofs of gross inaccuracy and carelessness; but, yet, curiously enough, this Vote had furnished him with some remarkable proofs of both. If hon. Members looked at page 327, they would see there that the Government claimed credit for a decrease in incidental expenses to the amount of £50. He had no hesitation in saying that that was grossly inaccurate and altogether wrong. In the line above, for Scholarships, they also claimed an increase of only £30, which was also grossly inaccurate and misleading; and the reason why he used that strong language would be apparent to any hon. Member who would take the trouble to turn over to page 326, and there, under the head of the Vote for Exhibition, Scholarships, Prizes, and Medals, he would see two columns of figures, and those figures were dexterous reproductions of each other. Every figure in the one column appeared in the other; but, yet, if they came to look at the totals, they would find that the University of London, aided by the Treasury officials, made one column amounting to £370, and the other to £400. He should like to know from the noble Lord the Secretary to the Treasury which of the two totals he meant to stick to? The University of London then proceeded with its arithmetic. It carried forward, most accurately, these two inaccurate totals. The column headed 1880-81 was added accurately; but if hon. Members would look at the addition of the second column—the 1879-80 column—they would find that the University of London, aided by the Treasury officials, had made a fine number of blunders. Five odd half-sovereigns had been made to produce even figures, and where there were only four figures to add together, which was an exceedingly simple task, three out of the four were wrong. The figures at the bottom of these statements, so carefully prepared, showed a total of £1,610; while, as a matter of fact, the column totalled up £1,582 10s. These gentlemen proceeded, and for once, at least, in the column on the next page, they managed to add the figures together correctly. But when hon. Members noticed the way in which these figures were carried back to

the summary at page 327, it must be apparent that, as the column was inaccurately added for last year, instead of there being an apparent increase of only £80 on the Vote, in reality there was an increase of £180. If the Committee, again, would look at page 330, they would find, under sub-head D, that the sums of £200, £100, £150, and again £150, were added up in the first column to make £600; and, in the second, £650. After that, was not he justified in saying that there had been a considerable amount of carelessness in the preparation of these Estimates? And the same blunder might be traced all through by anyone who took the trouble to do so. These, of course, were mere matters of detail, utterly unworthy the attention of the Financial Secretary to the Treasury; but there was another point, to which he was going to call attention, of far greater importance. Of course, the noble Lord would say, with regard to the mistakes, that these were the Estimates of the preceding Government, and that he was not at all responsible for these inaccuracies; but, in another matter, he could not adduce that plea, for this reason—that one Vote for the University did not appear in the form in which the Votes were originally submitted, for the reason that, since these Votes had been drafted, there had been a General Election, which considerably affected the Vote for the London University. There was such a thing as a Member for the London University, and the expense of his election had to come out of the money voted by Parliament. Now, the Government must have known perfectly well that that charge would have to be met, and that these expenses had been incurred. The Vice Chancellor, who was the Returning Officer, must have incurred some necessary expenses which the candidate was not liable to pay, as they had already found in the case of Mr. Lowe, who, unfortunately, was no longer in that House, but had gone “elsewhere,” and was now like a fly in amber, penned in a transparent tomb. Now, as the Vice Chancellor could not pay these expenses, and as the London University, differing from Cambridge and Oxford, had no University Chest, and, as was the case in the Scotch Universities, the expenses could not be thrown on the candidate, provision

ought to have been made for the matter in these Votes. It was an extraordinary thing that the London University should have a Member returned at the expense of Parliament; and he certainly thought that the Scotch Members would have good ground for their grievance in complaining that Members returned for their Universities did not enjoy the same privilege. It was perfectly clear, however, that the Government had made no provision for these expenses, and he should like to ask whether it was proposed to bring in a Supplementary Vote to defray them?

LORD FREDERICK CAVENDISH said, he was afraid, sooner or later, they would have to bring in a Supplementary Estimate to defray these Election expenses at the London University; but they could not, unfortunately, do that at present, because they were not aware of the amount of the claim. He had not, up to the present, been asked to pay them. With regard to the criticism of the hon. Member (Mr. Arthur O'Connor) as to the addition, it was not wrong either in the present or in the last year. The fact was, that in the column of last year there had been several things left out, which caused the addition to be wrong; but the sum total was taken at the amount of last year. If the hon. Member would like to know the items omitted, which made the difference, he would be very happy to inform him.

MR. ARTHUR O'CONNOR said, he did not want to carp about £50 or £100; but he merely pointed out this series of errors, in order to show that his general charge against the accuracy of the Estimate was perfectly well founded.

MR. BARING said, that, as a further example of the inaccuracy of the Estimates, he might mention that, under sub-head D, there were only four items; but those, again, did not add up right.

LORD FREDERICK CAVENDISH said, that last year there was a further special grant for the purchase of microscopical apparatus.

*Vote agreed to.*

(10.) £2,700, to complete the sum for the Deep Sea Exploring Expedition (Report).

MR. FINIGAN asked, what was the meaning of that Deep Sea Exploration? He had not seen anything on the sub-

ject in the Reports to the House, or in the Papers sent him, and he conceived it to be his duty to understand what the money was for that he was asked to Vote.

LORD FREDERICK CAVENDISH said, that in the year 1872, the *Challenger* was sent out to conduct a series of Deep Sea Explorations; and, he believed, a series of works had been since published showing very valuable results. The full Report had not yet been completed; but it was a work which required very great time and skill.

*Vote agreed to.*

(11.) £1,220, to complete the sum for the Sydney and Melbourne International Exhibition.

(12.) £11,519, to complete the sum for Universities, &c., in Scotland.

(13.) £1,200, to complete the sum for the National Gallery, &c., Scotland.

#### CLASS V.—FOREIGN AND COLONIAL SERVICES.

(14.) Motion made and Question proposed—

“That a sum, not exceeding £116,910, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Expenses of Her Majesty's Embassies and Missions abroad.

MR. ARTHUR O'CONNOR said, that the ordinary outfit for an Ambassador was generally so many hundreds of pounds. He observed that that regular amount was not voted according to the proper proportion in the case of Lord Dufferin when he went to Russia. His Lordship then received £2,500, and it did seem somewhat extraordinary that when other officers were considered efficiently equipped by sums of £200, £300, £180, £600, and in one case—salary and expenses—£1,100, that the grant to Lord Dufferin should amount to £2,500.

LORD FREDERICK CAVENDISH said, the Vote varied in accordance with the importance of the post and its distance from home. For Paris, £4,000 was allowed; for Turkey, £2,700; for Russia, Austria, and Germany, £2,500. An Ambassador was expected to keep up a certain amount of state, and he

could not do that without considerable expense.

MR. ARTHUR O'CONNOR said, he should be glad to know where that information was obtained, as he had looked for it in vain in the Vote?

SIR H. DRUMMOND WOLFF said, he had always understood that the outfit of an Ambassador was fixed at one-third of his salary; and, therefore, if the salary of the Ambassador in Russia was £7,500, it would be £2,500. For his part, he (Sir H. Drummond Wolff) believed that amount was not exorbitant, and he understood that the Ambassador had found it quite insufficient. He now wished to ask the Under Secretary of State for Foreign Affairs two or three questions in regard to Ministers abroad. In Bavaria, we had a *Chargé d'Affaires*; in Central America, a *Minister Resident*; in Darmstadt, a *Chargé d'Affaires*; in Hayti, a *Minister Resident*; in Montenegro, a *Chargé d'Affaires*; in Roumania, a *Minister*; in Servia, a *Chargé d'Affaires*; while there was a *Minister Resident* in Switzerland. He should like to ask why that *Minister Resident* was borne as a *Chargé d'Affaires*? It appeared to him that, by the Treaty of Vienna, there was a clear difference laid down, and *Ministers Resident* were to hold an intermediate place between *Ministers Plenipotentiary* and *Chargés d'Affaires*. Therefore, he could not find out why this *Minister Resident* was returned as a *Chargé d'Affaires*. He had brought this matter forward once or twice before, for he always thought it was a mistake to reduce Switzerland to the level of a *Minister Resident*. The salary of only £1,250 was really quite inadequate to the position he occupied. There was another question. He had found that in Montenegro we had a *Chargé d'Affaires* receiving £300 a-year, and yet Montenegro, by the Treaty of Berlin, was an independent State. They were then informed, by a foot-note, that this gentleman was *Consul General* at Scutari, and instead of its being there returned as an independent State, it was returned as still part of Turkey in Europe. The *Consul General* at Sophia was returned in the same way. They had heard a good deal of the concert of Europe, and the efforts of the Government in favour of the Slavs; but, nevertheless, it was said that Sophia and Montenegro were both

*Mr. Finigan*

to be described as being part of Turkey in Europe. If he went still further into the Estimates, he found that they were still more paradoxical; because Servia, which, by the same Treaty was declared independent, had a *Chargé d'Affaires* put down to it, while there was also at Bulgaria, which would be said to be a vassal State, a Consul General like Sophia. He wanted to know whether his hon. Friend (Sir Charles W. Dilke) looked upon Bulgaria as Turkey in Europe? If that was so, why did not he place Egypt in the same position, where we also had a Consul General with £2,000 a-year? Here they had Egypt treated as an independent State, and Bulgaria as part of Turkey in Europe; and Montenegro, which was actually an independent State, also as a part of Turkey in Europe. He should not have mentioned this, but for the inaccuracies which had been found in other parts of the Estimates, which seemed to show that they were almost entirely made up of inexactness. He did not suppose any of these Votes would go beyond the United Kingdom; but still there could be no doubt that in them the Government had entirely ignored the Treaty of Berlin.

SIR CHARLES W. DILKE said, his hon. Friend the Member for Portsmouth (Sir H. Drummond Wolff) was right in one point, and wrong in another. It was an error to charge our Representative in Switzerland as a *Chargé d'Affaires*. It should have been a Minister Resident. But, before next year, the error would be corrected. It was, however, only a mistake in name, for the salary was correctly stated. Next, his hon. Friend complained that in Montenegro the person who represented Her Majesty's Government was also Consul at Scutari; but Scutari was in Turkey—it was not in Montenegro at all—and, therefore, the whole thing fell to the ground. Her Majesty was represented in Montenegro and at Scutari by the same person; but he was supposed to be at two places, and he did the work of the two places, and most admirably he discharged it. He was in a position of the utmost difficulty; but he managed to remain on very good terms, both with the Albanian Chiefs and Montenegrins. With regard to Bulgaria, for certain purposes it still was part of the Ottoman Empire; but he did not think it mattered very much

whether they described it as a portion of the Ottoman Empire or not. It was merely a matter of name.

SIR H. DRUMMOND WOLFF said, he was very glad to find that his hon. Friend still considered Bulgaria as part of the Ottoman Empire.

MR. ARTHUR ARNOLD asked, whether the entire amount of the charge in these Estimates was borne by this country, or whether a portion of it, as formerly, was borne by India?

LORD FREDERICK CAVENDISH said, part of it was repaid to the Exchequer in the form of extra fees.

MR. LABOUCHERE said, he should like to know whether Sir Henry Layard was still in the position of Ambassador at Constantinople in the sense of deriving a salary from that office? [SIR CHARLES W. DILKE: Yes.] As he understood the under Secretary of State for Foreign Affairs to answer in the affirmative, he would also like to know how long that arrangement was to continue? Mr. Goschen, who did not enjoy a salary, although practically everything he expended was paid for by the country, was, at the present moment, Ambassador Extraordinary at Constantinople. So that, really, at the present time, the country was paying Sir Henry Layard for doing nothing, as well as incurring the great expense connected with Mr. Goschen's position at Constantinople. He trusted that the hon. Gentleman would give the Committee some idea as to when this anomalous state of things would cease.

SIR CHARLES W. DILKE said, that that was rather a question for the Treasury, than for the Under Secretary of State, to answer.

MR. LABOUCHERE said, he was very desirous of knowing whether that payment of £8,000 a-year, which was larger than the salary enjoyed by the Prime Minister, was to continue for an indefinite time? He had the greatest respect for the services and ability of Sir Henry Layard; but he thought that some limit ought to be placed to the continuance of that anomaly.

SIR CHARLES W. DILKE said, he was unable to answer as to the intentions of Her Majesty's Government with regard to the future. Sir Henry Layard was doing public work at the present time, and his services were exceedingly useful.



MR. LABOUCHERE said, he would like to know by whom those services were rendered when Sir Henry Layard was at Constantinople?

MR. MONK said, he would address the same question to his noble Friend the Secretary of State for India (the Marquess of Hartington) who, he thought, might be able to give some information as to the length of time that Sir Henry Layard was likely to be occupied in this country on full pay?

SIR H. DRUMMOND WOLFF said, he thought Sir Henry Layard had been most ungenerously treated by hon. Members opposite. He had been appointed to the Diplomatic Service by the Liberal Party, and afterwards promoted by the Conservative Party; since which time he had been attacked on every possible occasion by hon. Gentlemen opposite. Mr. Goschen had, with his usual abnegation, gone to Constantinople as Special Ambassador without salary, and was doing good service to the country; but Mr. Goschen was perfectly entitled to receive a salary for his diplomatic services. He asked whether Sir Henry Layard was to be cut adrift entirely? He came over here as Councillor of the British Government, to give them the benefit of his great experience, and to assist them in carrying out their policy. Hon. Members were told to repose entire confidence in Her Majesty's Government; but it was of essential service to the Government that Sir Henry Layard should be present to supply them with the information of which he was thoroughly master, and it was but right that he should receive his salary on that account. He felt that the Government were in a delicate position with regard to Turkish matters, and should not in any way be hampered, until they had shown themselves, as he had no doubt they would do, utterly incapable of coping with the difficulties of the situation.

THE MARQUESS OF HARTINGTON said, the present arrangement with regard to the Ambassador at Constantinople was one which could not remain unchanged indefinitely. The position of Mr. Goschen was an extraordinary one, and the arrangements with reference to it were not entirely known to anyone except the Foreign Secretary and the right hon. Gentleman at the head of Government. He did not think that the Committee, in the absence of the

Prime Minister, would expect him to state exactly what were the arrangements with regard to Mr. Goschen and Sir Henry Layard, nor would it be proper that he should do so.

LORD RANDOLPH CHURCHILL said, that Sir Henry Layard had served his country for 12 or 14 years; but he was not yet entitled to retire on a pension. He should be surprised if it did not turn out that he was endeavouring to work out his salary at home in the Foreign Office, in order to qualify himself for the pension to which all public servants were entitled.

MR. LABOUCHERE said, he hoped the subject would not be allowed to drop without further explanation, and he trusted that the Committee would not be told, first, that Sir Henry Layard was receiving £8,000 per annum as the guide, philosopher, and friend of the Government in Turkish affairs; and then, that it should turn out, as the noble Lord (Lord Randolph Churchill) had suggested, that he was working at the Foreign Office, in order to qualify himself for a pension. The latter statement was one which ought hardly to go forth to the public without contradiction.

SIR CHARLES W. DILKE said, in the absence of the Prime Minister, it was impossible to say what were the ultimate intentions with regard to Sir Henry Layard; but no such arrangement as that suggested by the noble Lord the Member for Woodstock (Lord Randolph Churchill) had come to his knowledge.

SIR H. DRUMMOND WOLFF said, he believed there was a regulation that, whenever an Ambassador or Minister was ordered away from his post on public service, he was entitled to full salary during his absence. That was the case with Sir Henry Layard. Under the circumstances of the case, and considering the delicate position which this country occupied with regard to its Eastern policy, he thought it would be dangerous to raise this question at the present time, when Sir Henry Layard might at any moment be sent out again to Constantinople to carry out that policy which he believed Her Majesty's Government would be obliged to adopt.

SIR PATRICK O'BRIEN said, it would appear the difficulty in the present discussion had arisen from there being

no concert between hon. Gentlemen opposite, and from their not having accepted, as they might fairly have done, the statement of the noble Marquess (the Marquess of Hartington), that Sir Henry Layard was giving his services at the Foreign Office, pending the arrangements which Mr. Goschen was endeavouring to carry out at Constantinople. He considered the statement of the noble Marquess to be perfectly satisfactory.

LORD RANDOLPH CHURCHILL said, the hon. Member for Northampton (Mr. Labouchere) had put a question to the Under Secretary of State for Foreign Affairs with reference to these appointments, to which the hon. Baronet had replied that he was unable to give an answer, because it was a matter for the consideration of the Cabinet. The noble Marquess had then made his appearance, and the question was repeated; but he, also, was not in a position to give any information to the Committee upon this question. A bitter attack had been made upon a public servant, and the noble Marquess had informed the Committee that it was a matter upon which he could not be expected to enter. He had then asked whether it was not the case that Sir Henry Layard was doing what was necessary to qualify himself for a pension, after many years of arduous work in the service of his country? The noble Marquess having stated that the matter could not be gone into in the absence of the Prime Minister, he begged leave to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do now report Progress, and ask leave to sit again."—*(Lord Randolph Churchill.)*

SIR PATRICK O'BRIEN said, he was rather amused at the so-called vindictive attack which had been made upon Sir Henry Layard, because, in his recollection, some 12 years ago, amongst those who joined in an attack upon Sir Henry Layard and were his strongest opponents on that occasion, were the hon. Gentlemen opposite.

MR. LABOUCHERE said, it was very proper to ask for some explanation with regard to that sum of £8,000. Sir Henry Layard would not be entitled to a pension after two or three years more service, because a pension could only be

given in the Diplomatic Service to a Gentleman who, in addition to having served for 15 years, held Her Majesty's Commission for that period. Sir Henry Layard was Attaché at Constantinople for some time; but he did not hold Her Majesty's Commission, and consequently his services as Minister in Spain and Ambassador at Constantinople did not amount to the period of service which would entitle him to a pension.

THE MARQUESS OF HARTINGTON said, he did not know anything as to what had been alleged by the noble Lord opposite (Lord Randolph Churchill), that Sir Henry Layard was here on leave for the purpose of qualifying for a pension. Sir Henry Layard was, at present, at home, but in the public service, and was, therefore, legitimately drawing his pay. He was, he might mention, making himself extremely useful at the Foreign Office. At the same time, Mr. Goschen was discharging the duties of Ambassador Extraordinary at Constantinople. The arrangement was manifestly one which could not be permanent; but, in the absence of the Secretary of State for Foreign Affairs and the Prime Minister, he was unable to say how long it would last. There was no desire to make any mystery of the position of Sir Henry Layard in London; and if it were the case that he was qualifying for a pension in the manner suggested by the noble Lord, he was quite sure there would be no difficulty as to stating the fact.

SIR H. DRUMMOND WOLFF said, the hon. Member for Northampton (Mr. Labouchere) was quite wrong in his statement with regard to the claims for pensions in the Diplomatic Service. It was true that, at one time, a pension could only be obtained by a diplomatic servant after service of 15 years with the Royal Commission; but an Act was passed in 1869 which enabled the Crown to grant pensions to diplomatic servants for mixed—that was to say, other than diplomatic—services. The Act ran to this effect—Where persons in the Consular Service, or any other branch of the Public Service, was appointed to some employment in the Diplomatic Service, or where a person not in the Diplomatic Service was appointed to the Civil Service, and such person suffered prejudice by reason of not continuing in the former Service, the Treasury might

award such compensation as, in their opinion, would prevent his suffering such prejudice with due regard to his services. Sir Henry Layard, having been recalled to England, had the recognized right of being retained on full pay. He thought it would be unhandsome to raise the question of the pay of Sir Henry Layard at the present moment.

LORD RANDOLPH CHURCHILL said, after the statements that had been made with reference to the pension of Sir Henry Layard, he begged to ask leave to withdraw his Motion to report Progress.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. LABOUCHERE said, he could not see on any part of the Estimates a general statement with regard to the amount paid for dragomans and students at Constantinople. It was a matter of general complaint that most of these persons were Levantines, rather than Englishmen. The dragomans at one Embassy were always on intimate terms with those at another; they were generally related; and he could not help thinking that the present system was a bad one, because it was probable that these persons, owing to the circumstances he had mentioned, would communicate to each other the secrets of their respective Embassies. It had been decided, a short time ago, to send out from England a certain number of young men to learn Turkish. No doubt, on their arrival at Constantinople, they did learn the Turkish language; but they also learned a great deal more than that from the Levantine gentlemen by residing in that Metropolis. He thought it best to adopt the French system, and to have a certain number of young men taught Turkish in England, as well as other languages, so that they might go out with the knowledge necessary for performing their duties. He asked whether it was the intention of the Government to retain the present system, which was open to much objection?

SIR H. DRUMMOND WOLFF said, he agreed that reforms were necessary in the dragoman system. The salary of the chief dragoman appeared to him to be too little, because the duties of that person were very great. He was the confidential agent of the Ambassador at the Porte, and accompanied the Ambassador

on all occasions when business had to be transacted. He thought the chief dragoman ought to be placed in a better position than that which he now occupied. Having been in Constantinople last year, he had been struck with the great improvement in the system of preparing dragomans. There were four young men of about 22 years of age who had been appointed by competitive examination to their positions in Constantinople. They were most assiduous in attending to their duties, and were learning Arabic, Persian, and Greek; in short, becoming accomplished linguists. He thought the present system might be extended by academies established in England, and that he thought might be of advantage in our relations with China, Japan, and elsewhere.

SIR CHARLES W. DILKE said, he would certainly take note of the suggestion of the hon. Gentleman who had just spoken with regard to the instruction of interpreters. There was no doubt that Turkish could very well be learned in this country under proper Professors.

MR. BIGGAR said, he thought the Committee were entitled to some further information with regard to the appointment of Sir Henry Layard. The Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke), as the mouth-piece of the Government, had stated that he was not prepared to give any further information on the subject, and ultimately the noble Marquess the Secretary of State for India explained that Sir Henry Layard came from Constantinople on official duty, and that Mr. Goschen was now acting as Ambassador Extraordinary at that place. At the same time, the noble Marquess had fairly stated that this was an arrangement which could not continue for any length of time. Now, he (Mr. Biggar) thought it was within the province of the Committee to put a limit on the time during which these two sets of salaries, which amounted to a large sum of money, should continue. A hint had been given by the noble lord the Member for Woodstock (Lord Randolph Churchill), that the real object of the business was that Sir Henry Layard should occupy his time at the Foreign Office in order to qualify himself for a pension. As the Government were responsible for the withdrawal of Sir Henry Layard without giving any explanation, he proposed to reduce the

*Sir H. Drummond Wolff*

Vote by the amount which would represent three months' salary as Ambassador at Constantinople. The question was, whether Sir Henry Layard was fit for the position of Ambassador at Constantinople or not? If he were fit, he should have remained there; if he were not fit, then, in his (Mr. Biggar's) opinion, he should not receive the salary as if he were fit.

Motion made, and Question proposed,

"That a sum, not exceeding \$113,810, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Expenses of Her Majesty's Embassies and Missions Abroad. —(Mr. Biggar.)

SIR CHARLES W. DILKE said, that was a very natural Amendment; but, at the same time, the subject had now been sufficiently discussed. The facts were all known, and he hoped the Committee would consent to go to a division.

MR. ARTHUR O'CONNOR said, before a division was taken, he should like to put a question which he did not think had ever been ruled upon. There was a Standing Order, that, in the discussion of Estimates, a reduction must be moved upon item *a*, before a similar reduction could be moved on item *b*; and when item *a* had been so disposed of, it was not possible to go back to move a reduction on it. There was also another rule, which said that after a reduction had been moved on a certain amount, and a Vote taken, it was not open to any hon. Member to move to reduce the Vote by a larger sum. His hon. Friend the Member for Cavan (Mr. Biggar) had moved to reduce the Vote by £2,000; and if he (Mr. Arthur O'Connor) wished to move the reduction by £3,000, how was he to do it?

THE CHAIRMAN: As I understand the hon. Member for Cavan (Mr. Biggar), he moves to reduce the whole Vote by £2,000, and that is not a reduction upon a particular item. It was in that way I took his Motion, and in that way I put it. It will, therefore, be quite in Order for the hon. Member (Mr. Arthur O'Connor) to move any reduction afterwards that he pleases.

MR. ARTHUR O'CONNOR said, what he wanted was a general ruling on the subject; because, the other night, when he moved a reduction of a Vote to be put to the Committee, he was told

that he was thereby precluded from moving a subsequent reduction which he also intended to have moved.

THE CHAIRMAN said, if a reduction was moved on a particular item, he should put it on that item, and not on the Vote; but he understood the hon. Member for Cavan (Mr. Biggar) to move to reduce the whole Vote by £2,000.

Question put, and *negatived*.

Original Question again proposed.

MR. GORST wished to ask a question with regard to the Danube Navigation. The Treaty of Berlin made great changes in the position of the Danube Navigation Commission, because the State of Roumania became a River State, and so did Russia; while Turkey, as an independent Power, was shut out. This rendered necessary an alteration of the Public Act under which the Danube Navigation acted, and also a change in the constitution of the Commission itself. He believed that that change was not provided for in the Treaty itself; but it had been carried out, in fact, with perfect ease, and in a very satisfactory manner. He would ask the Under Secretary of State for Foreign Affairs, what progress had been effected in the reformation of the Public Act for the Navigation of the Danube?

SIR H. DRUMMOND WOLFF asked, whether there had not been considerable conflict between some of the States as to their rights under the Commission? So far as he had been able to ascertain, there had been considerable conflict between Roumania, Austria, and Russia, because certain of these States had put forward special pretensions. He hoped his hon. Friend (Sir Charles W. Dilke) would either make a statement or lay Papers before the House on this subject, as it was a very important matter.

SIR CHARLES W. DILKE admitted that the subject was of great importance, and regretted that he could not give the Committee any thorough information at that time. It was not the fact that there had been very great difficulties made by Russia; but there had been difficulties between Austria, Roumania, and Bulgaria as to the proper mode of nominating the Bulgarian Delegates. That was a hitch at present.

MR. ARTHUR O'CONNOR asked, if he would be in Order in moving a reduction of the Vote now by £2,000?

THE CHAIRMAN said, the hon. Member would be quite in Order in moving a reduction of the general Vote by any sum.

MR. ARTHUR O'CONNOR: Yes; but not any particular item.

THE CHAIRMAN: On any Vote which has been moved.

MR. ARTHUR O'CONNOR said, he should propose to reduce the Vote by £900, because that would represent one-third of Sir Henry Layard's salary as an Ambassador. After all, an Ambassador did not seem to him to be so important a personage as the Lord Lieutenant of Ireland, yet he received more salary. Unless he received some explanation, he should certainly go to a division. He wished to obtain an assurance that these things would be considered, for some of them were beyond all reason.

SIR H. DRUMMOND WOLFF said, it must be remembered that the Diplomatic Corps was sent from one place to another, very often at great inconvenience to themselves and at great expense. His hon. Friend (Mr. Arthur O'Connor) ought to allow some compensation for disturbance. They had to pay their own expenses, and get rid of their house and furniture at one place when they were removed to another. For instance, he understood that Lord Dufferin was a considerable loser on the expenses of his office. The salaries had been cut down very close, and he did not think the Vote ought to be objected to.

MR. ARTHUR O'CONNOR said, he could quite understand the hon. Gentleman (the Member for Portsmouth) objecting to these Estimates being criticized closely, for he noticed that there was an item of £3,200 for the especial Mission on which the hon. Gentleman served. The cost of the Berlin Conference was £7,800; and the next largest item was £4,700, put down for Sir Henry Drummond Wolff's special Mission to the East. He would like to know, in that case, what Mr. Goschen's Mission would cost?

LORD FREDERICK CAVENDISH said, it would probably be his duty presently to lay before the House a special Vote for Mr. Goschen's Mission. It was impossible, at present, to say what the amount would be.

MR. BARING asked, who succeeded the hon. Member for Portsmouth?

LORD FREDERICK CAVENDISH replied, the noble Lord the Member for Calne (Lord Edmond Fitzmaurice).

SIR H. DRUMMOND WOLFF said, in regard to the remarks that had been made, he should like to say that all he received was money spent out of pocket. Neither himself nor his noble Friend (Lord Donoughmore) took a penny for their services.

Original Question put, and *agreed to*.

Resolutions to be reported.

MR. GORST said, he should propose that the Chairman do now report Progress. As they were not now at the end of the Session, but, according to the Government themselves, merely in the middle of it, there was no reason why they should differ from their ordinary rule. Of course, great exertions were frequently made at the very end of a Session, in order to enable Her Majesty's Government to prorogue Parliament by a certain date; but, as there was no such prospect at present of any termination of their labours, there was no reason why they should put forth any extraordinary effort, or sit up to an early hour in the morning, in order to get on with the Votes. He and his hon. Friends had frequently stated their perfect willingness to assist Her Majesty's Government to carry out the Business of Parliament, provided it was carried on in the usual and ordinary manner, and that no extraordinary exertions were called for from hon. Members, and that fair opportunity was given for the discussion of Estimates and Bills in the manner that they ought to be discussed. He was only acting in accordance with that view by now making the Motion he had. He should be inclined to admit that they ought to make extraordinary exertions to assist the Government to send up Bills to "another place;" but there was no reason why they should make great exertions in order to pass Supply, which would not affect "another place." There were, at the present moment, two Bills still pending which he was exceedingly anxious to see passed—namely, the Employers' Liability Bill, and the Hares and Rabbits Bill. If those were not sent up at an early date to the other House, there was very great reason to fear that that House, in the

exercise of its constitutional privilege, might say that they arrived too late for discussion. Therefore, by delaying the progress of these measures through the House the Government were running a very great risk of shipwrecking them altogether. He must confess he had grave doubts of the real sincerity of Her Majesty's Government in respect to those two measures. ["Oh, oh!"] Hon. Members opposite must excuse him for regarding the conduct of the Government with some degree of suspicion; for he had not the same confidence in them that those hon. Members appeared to have. He could not help feeling, in his own mind, that if the Government really did intend to pass the Employers' Liability Bill, or the Hares and Rabbits Bill that Session, they would not purposely delay the progress of those measures through that House, when, in consequence, they would arrive in the other at so late a period that there was some risk of their being lost. Therefore, instead of asking the Committee to sit up very late to vote Supply, or to discuss the Indian Budget, which were matters applicable to that House alone, he thought it would be more in consonance with the professed intentions of the Government if they were to permit the more important measures to proceed, that they might go up to the House of Lords as soon as possible; and then they could afterwards press on with the work of Supply and the other Business which that House alone had to do. He thought also they were entitled to ask the Government to report Progress, in order that next morning they might be in a proper condition to transact Business.

Motion made and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Gorst.)*

LORD FREDERICK CAVENDISH said, in spite of the desire of the hon. and learned Member (Mr. Gorst), which was shared by all the Committee, to expedite the progress of those two Bills, it was perfectly impossible that they could be considered that night. He would, therefore, best prove the anxiety which he professed to have so deeply at heart to assist the Government in their work, by allowing them to make progress in Supply. Unless the Committee

would proceed to discuss these Estimates, it would, unfortunately, be his duty to come down and ask for another Vote on account, and the result would be that measures which they were all sincerely desirous to see passed would be seriously affected. He saw at present no signs of the attention of the Committee flagging; and, therefore, he thought it would be a great pity to have Business stopped when they were all ready to proceed.

LORD RANDOLPH CHURCHILL said, the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) failed to comprehend the point that his hon. and learned Friend (Mr. Gorst) had raised. Hon. Members who sat on those Benches did not concur in the arrangements which had been made by the Government for the progress of Business. They were of opinion, and they expressed that opinion, which they were not likely to go back upon, that the Government, in putting down Supply, and in delaying the Employers' Liability Bill in so extraordinary a way, were purposely delaying, or, at any rate, were actually preventing, its passing into law. He was not disposed to be any party to an arrangement which would be likely to have that effect. It was not at all for the convenience of hon. Members that the House, at a period of a Session which they had no reason to believe was as yet at all approaching its end, should be kept up till 3 or 4 o'clock in the morning. He was a witness to what took place last Friday night, or, rather, last Saturday morning, and he was bound to say, with all respect to hon. Members, that he could not conceive any discussion less likely to produce successful legislation than that. The impatience of the Committee, and the refusal of hon. Members opposite to listen to any proposition, or to any remarks coming from that side of the House was remarkable, and they were not only not inclined to hear the Opposition, but they would not listen to anyone even who spoke from their own side. The consequence was, that grave imperfections had been discovered in the Bill which had been passed on Friday morning, and it would be necessary to ask the House to devote more time to that Bill than would otherwise have been necessary. He had to say also, as a matter of principle, that until the noble Marquess (the Marquess of Hartington)

was prepared to make a definite statement to the House as to what period he proposed to advise Her Majesty to prorogue Parliament, it was not, in their opinion, either right or proper that the House should make extraordinary exertions, as if it were close to the end of the Session. The progress in Committee that night had been very good; Votes had been most carefully considered; several very grave imperfections had been pointed out; and yet the Committee had been most lenient in dealing with the Estimates, for not a division had been taken. They had been ready to make every allowance to the noble Lord the Secretary to the Treasury for the excuse which he had been obliged to bring forward, that the Estimates were not his own; and, therefore, he was bound to say that he did not think it would be advisable for the Committee to go on any further with the discussion, especially as the next Vote was a most important one. He did not see how they could criticize Votes in regard to the Foreign Office, without the assistance of the late Under Secretary of State for Foreign Affairs, who was not at present in the House; and, under those circumstances, he hoped the proposal of his hon. Friend would not be considered an unreasonable one.

THE MARQUESS OF HARTINGTON said, the argument that some Member of the late Government was not in his place was hardly sufficient to induce the Committee to leave off Business at that hour. The Government had resisted the appeal to report Progress on the ground of the lateness of the Session, and the Committee must be aware that the discussion of the Estimates was being conducted with much greater detail than was customary, even at a much earlier period of the Session. That being the case, the question arose whether the Committee ought not to devote some more time on that occasion to the discussion of the Estimates than they were in the habit of doing. Therefore, he asked the Committee to make some further progress. The Government were perfectly aware that the course proposed to be taken with regard to certain Bills, and the possibility of the prolongation of the Session, did not meet with the approval of the noble Lord the Member for Woodstock (Lord Randolph Churchill), and the very small

minority in favour of reporting Progress. The Government were also aware that that minority had availed itself of the Forms of the House in order to show its dissatisfaction, and make the transaction of Business more difficult. Now, he could not think that dissatisfaction expressed in that way would meet either with the approval of the Committee or of the country; and, therefore, he trusted that the Motion for reporting Progress would be re-considered, and that the Committee would proceed with the Estimates.

MR. BIGGAR said, he did not agree with all the arguments of the noble Lord the Member for Woodstock (Lord Randolph Churchill), and of the hon. and learned Member for Chatham (Mr. Gorst; but, at the same time, he could not coincide with the statement of the noble Marquess (the Marquess of Hartington), that the Opposition were availing themselves of the Forms of the House in order to show their dissatisfaction at the conduct of Public Business. He (Mr. Biggar) had always held the opinion that no Vote of public money should be taken after half-past 12 at night, and no matter who the hon. Member might be who moved to report Progress after that hour, he (Mr. Biggar) always gave him his support. Some hon. Members were very fond of rushing through the Estimates without any consideration. He admitted that the Estimates had been submitted to criticism in the course of the evening; but no time had been lost in consequence, and not a single division had been taken on any one of them. Had it been the intention of the Opposition to criticize the Estimates with the object of delaying Business, the opposite course would have been adopted, and hon. Members would have been quite within their right, and, as he thought, within their duty, in dividing upon the Votes. Indeed, he believed that he had himself neglected his duty in not dividing upon the last Motion to reduce that Vote. However, acting upon the suggestion of his hon. Friend, he had not put the Committee to the trouble of a division, and the time that would have been occupied for that purpose had, consequently, been saved. Certainly, he did not think that the Government had any cause of complaint, either as regarded the criticism bestowed upon the Estimates, or the

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amount of progress made. He thought hon. Members had a perfect right to object to continue on the Estimates at a time when the reporters could not report the arguments used in Committee. If the Government persisted, night after night, in keeping the House until 2 o'clock in the morning, it was very natural that hon. Members who wished the proceedings to be carried on usefully, and in a proper manner, should move to report Progress. It had been said that hon. Members, in supporting these Motions, were much in the habit of repeating themselves. No doubt, that was the case; but it was a very slight offence. But if the Government believed they could go on, without any pause, passing Votes of public money at those late hours of the night, he felt sure that the public would, in the end, be disposed to say that their proceedings were not justifiable. From his experience in that House, he could certainly state that Business nominally carried on at late hours in the night certainly did not result in benefit to the public. It was very well for Ministers to get so many clauses of a Bill passed, and so many pages of print made into law; but, as far as his experience went, all these clauses had to be re-considered in successive Parliaments, and amended over and over again, the result being that far more time had to be expended upon them afterwards than would have been necessary had they been properly laid before Parliament in the first instance, and sufficient time allowed for their discussion.

MR. LABOUCHERE said, the Committee had already occupied 25 minutes in discussing the last Motion to report Progress. He could not understand that any distinction existed between voting the Estimates in the night and voting them in the day time. The question was, did hon. Members prefer to sit late at night in August, or continue to sit late into the month of September? For his own part, he preferred the former course, and he hoped the Committee would be allowed to proceed. It was quite a new doctrine to say that 2 o'clock in the morning was a late Parliamentary hour.

MR. CHAPLIN said, if the Government would give some information as to when they would advise Her Majesty to prorogue Parliament, they would find

hon. Members on both sides of the House prepared to make all reasonable sacrifices for the purpose of getting through the work in Committee. But the House had been placed in a very difficult position by the action of Her Majesty's Government. They were then at the 16th of August, and there were seven or eight Government measures still on the Paper; a great amount of Supply to be got through, as well as other matters of great importance, which would have to be settled before the end of the Session. The Government, however, had kept the House of Commons entirely in the dark as to the date at which they intended to advise Her Majesty to prorogue Parliament. Unless the Government were prepared to make some definite statement as to their intentions with regard to the Prorogation of Parliament, they must not be surprised to find hon. Members unwilling to remain night after night to a very advanced hour.

MR. BARING said, that several Bills were before the House which had not even been discussed, and about which nothing whatever had been said by Her Majesty's Government. He was not aware of any Bill being thrown over, except the Vaccination Acts Amendment Bill—in fact, nothing whatever had been settled, while everything was chopped about from day to day. Every Bill appeared on the Paper, but nothing was discussed; and yet the House were informed that they must wait until the middle of September for the Prorogation. For his own part, he was quite ready to stay, having business in town, as had right hon. Gentlemen on the Front Bench opposite; but, seeing there were others who had no private affairs to keep them in London, he thought that only necessary Business should henceforward be proceeded with.

LORD RANDOLPH CHURCHILL said, that when the noble Marquess (the Marquess of Hartington) was in Opposition, he was extremely ready to support Motions for Adjournment. He found, on reference to *Hansard*, that as early as the 3rd of July, in the Session of 1876, the noble Marquess supported the Motion for Adjournment made by the hon. and learned Common Serjeant, when the Prisons Bill was under discussion, on the ground that it was perfectly ridiculous at that period of the Session to pro-



ceed with the Bill. No doubt, if he were to make further reference to *Hansard*, he would find many other occasions on which the noble Marquess had supported Motions of that kind coming from below the Gangway. He hoped his hon. and learned Friend the Member for Chatham (Mr. Gorst) would press his Motion to a division.

Mr. BRIGGS said, he wished to remind the noble Lord the Member for Woodstock (Lord Randolph Churchill) that hon. Members on that side of the Committee would have to decide whether the Estimates should be proceeded with or not, and they were certainly not going to suspend Business at that early hour. The noble Lord had been able to take rest during the whole of Saturday and Sunday; and now he proposed to adjourn at an hour when, during the season, he would be commencing to take part in some social amusement. ["Divide, divide!"] He (Mr. Briggs) would remind hon. Members opposite, who were so deeply interested in the Hares and Rabbits Bill, and other measures of the Government, and so ready to attack the occupants of the Front Bench, that there were behind it supporters of the Government quite ready to defend them. He would also remind hon. Members opposite that the occupants of the Front Bench were not dictators in this matter, but simply the mouthpieces and exponents of the wishes of the majority.

Mr. GORST said, he had not stated that he should insist on dividing on the Motion to report Progress. He had merely put it forward as a reasonable proposal that Business should be suspended. His object in doing that was, that he considered the Business of the country was not properly performed by sitting up until 2 or 3 in the morning to pass Estimates in a hurry and in an unbusinesslike manner. Considerable progress had been made that evening, and he trusted that the Government would not resist the Motion to report Progress.

Mr. FINIGAN said, the hon. Member for Blackburn (Mr. Briggs) had stated fairly, from his point of view, that there was a very large majority behind the Front Bench; but he (Mr. Finigan) would reply to him that, on the other side of the Committee, there was a very fair and equally determined minority. Hon. Members had been sitting since

half-past 4, and were, consequently, desirous that Progress should be reported. It was quite a different thing for the noble Marquess to come down to the House, and talk about continuing the work in which he had taken no part until during the very last hour, particularly as the noble Marquess had often acted with the Occupants of the Front Opposition Bench, when he sat on the other side of the House, in endeavouring to carry out a reasonable and sensible mode of conducting the Public Business. The Government were not justified in trying to force on Business at an unreasonable time, and he trusted they would be content with the large amount of money voted that evening, and agree to the Motion before the Committee.

Mr. BIGGAR said, that during the speech of the hon. Member for Blackburn (Mr. Briggs), the Committee had strong evidence that hon. Members on the other side of the House were not in a proper frame of mind to continue the discussion on the Estimates. The hon. Member had not spoken at any great length, but had argued in favour of the Committee proceeding with the consideration of the Votes, which, at that hour, really meant that they should be passed without any discussion. Before, however, the hon. Member had spoken for three minutes a number of Gentlemen on the Ministerial side were shouting "Divide!" From that, it was perfectly clear that if hon. Members opposite were unwilling to hear the arguments of the hon. Member, they would make very bad listeners to the arguments that might be adduced by hon. Members who desired properly to criticize the Estimates. He would suggest that, if the Government were disposed to use their majority as they were doing that evening, the Estimates should be passed *in globo*, without any discussion at all. He hoped the Government would not persist in their determination to resist the present Motion.

Question put.

The Committee divided:—Ayes 17; Noes 88: Majority 66.—(Div. List, No. 117.)

Motion made, and Question proposed,

"That a sum, not exceeding £155,667, be granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the

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31st day of March 1881, for the Expenses of the Consular Establishments Abroad, and for other Expenditure chargeable on the Consular Vote."

MR. THORNHILL, in moving that the Chairman do leave the Chair, said, he was not an Obstructionist, and never had been; but he did want to see Business over, and to get away to the country. Yet Her Majesty's Government were going on, day after day, without giving them any information as to when they might go away to enjoy themselves in the country. It was impossible, at the present time, to form any opinion as to what the object of Her Majesty's Government was. If they would only meet the House, and say what their final arrangements would be, the House would be happy to meet them; but as the Government would not help the House, why should the House be expected to help the Government? It was very unfair to keep them there without giving them any information as to what the state of Business was likely to be. He had made his own arrangements for going away; but he was told the Hares and Rabbits Bill was coming on on Wednesday, and now he heard that it was coming on on Thursday, and presently, he supposed, it would be set for Friday. It was very hard, indeed, on hon. Members that they should be expected to sit there waiting for Her Majesty's Government.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Thornhill.*)

MR. CHILDERS hoped hon. Gentlemen opposite would allow him to appeal to them, after the division which had just been taken, to do a little more Business before they insisted on reporting Progress. He should not have made that appeal if it had not been for the fact that the majority of the Conservative Party present voted with Her Majesty's Government in the last division, and the minority consisted altogether of hon. Gentlemen on the Front Bench below the Gangway and of a few Irish Members. The great majority of the Conservative Party voted with the Government, and he thought the reason was, that these Estimates were the Estimates of the late Conservative Government, and were signed by the hon. Baronet the late Secretary to the Treasury (Sir Henry Selwin-Ibbetson). They

differed in a very slight degree, indeed, from the Estimates which were voted last year, and there was no opposition to them then from hon. Gentlemen who were now sitting on the Front Opposition Bench below the Gangway. He would suggest they might take the Estimates as to which there was not any very great difference of opinion, omitting the Vote for the Consular Service, because it might be that on that there would be considerable discussion; and he also thought that the grants in aid of Colonies ought not to be taken; but there were many Votes in Class V. as to which there could be no discussion, and there were Votes in Classes VI. and VII. which were in the same position. It was of very great importance, indeed, that they should get the Revenue Estimates. He knew that it was useless to appeal to the Front Bench below the Gangway; but he would appeal to the great majority of the Conservative Party who voted with the Government in the late division to let them go on and take the Estimates to which he had referred that night.

LORD HENRY LENNOX said, he voted with Her Majesty's Government in the late division, not because they had shown any consideration for the Committee in the conduct of Public Business, for he thought they had done very much the reverse, but because he knew the difficulties that there were in the way of carrying on Business at that period of the Session. When his noble Friend the Member for Woodstock (Lord Randolph Churchill) talked about their being in the middle of the Session, he knew very well that was a play on the word, and that really they were quite at the far end. His noble Friend, if he continued to go on as he had been doing, would make the work last till Christmas. He did not suppose the Committee would think that they were now in the middle of the Session. But he rose, on that occasion, to appeal to Her Majesty's Government, after having voted with them in the last division, to ask whether they thought they would facilitate the progress of Public Business by entering into a wrangle with the minority at that hour of the morning as to whether they should take one Vote or another? They would not, by taking such a course, save discussion on a future occasion, and he would remind them that in 12 hours they would have

to be there again. That being so, he advised Her Majesty's Government, in the most friendly way, not to get into a wrangle, but to agree to report Progress at once.

MR. GORST said, if the very conciliatory speech just made by the right hon. Gentleman the Secretary of State for War had been made by the noble Marquess (the Marquess of Hartington) an hour ago, he thought it was very likely the Government might have been able to get a few more Votes. He should like to remind the right hon. Gentleman, however, that when he moved to report Progress, they were about to approach the Consular Vote, which would, of course, create great discussion. He was, therefore, strictly within his right in moving to report Progress on that Vote. When the noble Marquess rose in answer to his appeal, he did not ask that the Committee should leave that Vote and take another; and he made no proposition that Votes on which there was no discussion should be taken. If that had been done an hour ago, it would have been very reasonable; but as they were now at a quarter to 2, he joined with the noble Lord who had just sat down (Lord Henry Lennox) in urging on the Government whether it would not be better to report Progress than to continue the unseemly wrangle which did not raise the dignity of that House, and in which the minority was certain to be victorious?

SIR WILLIAM HARCOURT said, it was quite true that it was now a quarter to 2; but how did it come to be that time? Because they had been discussing for more than an hour whether they should report Progress. They might have taken a division on that subject more than three quarters of an-hour ago; but hon. Gentlemen opposite insisted upon discussing the matter, and so preventing a division. That mode of testing the opinion of the Committee was not taken for a long while, and then they were entreated not to embark on an unseemly wrangle. Now, what did that mean? It meant that 17 hon. Members of the Committee had set themselves against 83, in favour of reporting Progress; and when that was refused, the refusal was called an unseemly wrangle. That was the most extraordinary view to take of Parliamentary action. He did not think the

majority could yield to a small minority, constituted as it was, and with objects such as it had professed and avowed—namely, the stoppage of the passage of particular measures. ["No, no!"] The hon. and learned Gentleman the Member for Chatham (Mr. Gorst) did not do that; but some of his Supporters avowed, in the most candid and open way, the object they had in view, which was to stop the passage of the Hares and Rabbits Bill. [MR. THORNHILL: I did not.] He (Sir William Harcourt) was in the recollection of the Committee whether the hon. Gentleman did not say so. The Government could not give way in this matter, because there were other people besides the House of Commons who were interested in this question—the persons who had returned that House. It was very desirable that the electors who had sent them there should understand distinctly the principles upon which the Government acted, the object for which they were working, and who were the persons who were opposing the measures brought forward by the Government. After all, the final judges in this matter were the people of the country, and these divisions would give them an opportunity of understanding exactly what was going on. He doubted whether they would approve of the conduct of the 17 Members who had compelled the Committee to stop the Business of the country. It was a very clear and definite issue; and it was very well that they should understand it.

SIR WALTER B. BARTTELOT said, he was extremely surprised at the remarks of the right hon. and learned Gentleman (Sir William Harcourt). He had not been obstructing Business himself, for he had been sitting very quietly ever since the early part of the evening, and had only made one or two remarks. But he did not at all understand why they were to be told that they were obstructing Business, because at 10 minutes to 2 they objected to going on with Supply. He had sat in that House for a number of years, and he knew that on very few occasions indeed had Supply been allowed to be taken after 12.30 A.M. That being so, it did not lie in the mouth of any right hon. Gentleman to say that they had been wasting time. He had voted, as he always should do, for reporting Progress at that hour of the night, and he should

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continue to do so. He did not think, either, that the country would find fault with them for wishing to report Progress. The country could understand perfectly well what was going on, and they would judge far better than the right hon. and learned Gentleman could in that heated atmosphere, whether or not the Government had made great mistakes. One of their greatest mistakes—he (Sir Walter B. Barttelot) had said it before, and he did not hesitate to say it now—was that they were trying to do more Business than was possible, and that, in consequence, they were presenting to the House measures which were hastily conceived and which must be hurriedly passed, if they were passed at all. Such legislation would not redound to their credit at all. It would have been far better for them to have been content with one or two measures which would have brought them credit with the country. The country also would have been far better satisfied than that they should have a number of measures which they did not care about, and which the Government were keeping them there to discuss.

Mr. ARTHUR O'CONNOR hoped the country would understand the attitude of the Government. Hon. Members had been carefully scrutinising the Estimates from 5 o'clock till 2 that morning. The right hon. Gentleman, whose absence they all regretted, the Leader of the Government said, some time ago, in a speech in Scotland, that the Estimates did not receive that scrutiny which they deserved, and which it was the duty of hon. Members to give them. He (Mr. Arthur O'Connor) made a note of that expression at the time, and he was going to act upon that opinion now. He had done so up to the present, and he should continue to do so. He believed, with proper attention and patience, that they might spread the consideration of the Estimates over the whole Session, and on them the whole administration and conduct of the Business of the country could be discussed. That, in his opinion, was the proper function of the Committee; whereas, of late, it had been assuming work which did not come within its proper scope. It had been bothering about foreign questions, and the careful inspection of public accounts had been relegated to second rank. It was now

proposed that they should take the Votes for the Revenue Departments on the assumption that there were very few points to be discussed in them, and so the Government would be able to get a good round sum to go on with without any trouble; but what were the amounts that they were asked for? They were: Customs, £1,000,000; Inland Revenue, £1,750,000; Post Office, £3,500,000; Post Office Savings Bank, £750,000; Telegraphs, £1,250,000; or, in all, about £8,000,000. There were the Votes they were asked to take without any discussion; while the Consular Vote was to be postponed, which was not one-tenth or one-twentieth of the amount, because it contained a certain amount of contentious matter. He protested against any such system, and thought they ought not to pass any Vote without discussion, even at 2 o'clock in the morning. If they did pass one set of Votes in that way, amounting to £8,000,000, the country would have very good grounds of objecting indeed. He should certainly oppose a proposition for taking the Estimates at all at that time in the morning. For his part, he thought that it would be far better for them to begin the Votes and go steadily and straight on with them.

Mr. BRADLAUGH said, the hon. Member (Mr. Arthur O'Connor) had declared that the country would judge rightly on this question. He (Mr. Bradlaugh) believed that the country was judging rightly upon it, and judging with a judgment which he had no right to repeat in that House. The hon. and learned Member for Chatham (Mr. Gorst) had been steadily telling them of his desire to facilitate Public Business. The country did not think he had that desire. The noble Lord the Member for Woodstock (Lord Randolph Churchill) was constantly telling the House that he desired to aid the Government. The country did not think so. The country thought that those two hon. Members were doing all that they could to obstruct the legitimate Business of the House; and, however wrong the judgment of the country might be, he (Mr. Bradlaugh) must admit that if he were outside, with the right to judge uncontrolled by the Parliamentary usages of that House, his judgment would be that of the country. He had sat there night after night with

the greatest patience listening to the debates; and he was within the judgment of the House whether the kind of criticism which had been used by the other side to interrupt the Business of the House had not been a criticism utterly unworthy of an Assembly of legislators in a great country like this.

MR. R. N. FOWLER said, that he had voted with the Government on the last occasion; but after the taunts which the right hon. and learned Gentleman the Secretary of State for the Home Department had made use of, he and others had been placed in rather a difficult position. The principle on which he had acted was that they were now at a certain period of the Session when the Government required money, and that must be voted before Parliament could be prorogued. On that ground he thought it was only fair to allow the Government to get the money they wanted; but they had now come to a time when the Government could not get through much more Business, and he would ask them whether it would not be graceful to yield to the feeling of those of whom he had spoken?

MR. THORNHILL said, he had been called an Obstructionist; but the right hon. and learned Gentleman the Secretary of State for the Home Department had entirely misunderstood what he (Mr. Thornhill) had said. He was not waiting in town to stop the Hares and Rabbits Bill, but to help its passage through the House, for he was extremely anxious to see it become law. He had therefore said that he wanted to know what would be the course of Public Business, in order that he might make arrangements to get away as soon as that was over.

MR. ARTHUR ARNOLD said, the hon. Member (Mr. Thornhill), when he got up, supported his Motion on the ground that they had had no information about the Business of the House, and that he was anxious to obtain a statement as to the measures which were proposed by the Government. Having regard to that statement, his Motion was so clearly made with the desire to obstruct the progress of Business that nothing could be more clear.

MR. CHAPLIN protested against the idea that hon. Members on that side of the House wished to stop the Hares and

Rabbits Bill. On the contrary, he had appealed to the Secretary of State for the Home Department to proceed with the measure at the earliest possible opportunity. The hon. Member opposite (Mr. Arthur Arnold), had not had much experience; but, in what was the most offensive manner he (Mr. Chaplin) had witnessed for many years in that House, he had directly contradicted the hon. Gentleman the Member for West Suffolk (Mr. Thornhill), after he had distinctly repudiated a certain charge made against him. That was a most offensive thing to do, and he trusted the hon. Member would not do it again.

SIR H. DRUMMOND WOLFF said, he hoped the Government would consent to the proposal of his hon. Friend (Mr. Thornhill), and not insist upon dividing upon the Motion. It was perfectly plain that the Committee could not get on with any more Business. He would remind hon. Members that the House had to meet again at 2 o'clock to-morrow, and would remark that, in his opinion, something ought to be done to regulate the hour at which suspension of Business should take place; either the Session ought not to be prolonged, or the work ought to be lightened. The Opposition had not divided upon one single Vote; and, as far as he (Sir H. Drummond Wolff) was concerned, he had not opposed a single Vote, but had simply confined himself, as he believed with the approval of the Committee, to criticizing the Estimate for the Diplomatic Service. He hoped, therefore, the Government would not object to an adjournment.

MR. FINIGAN said, he was not surprised that the Secretary of State for the Home Department possessed such a tender conscience with regard to the opinions of people outside the House of Commons, because hon. Gentlemen who, like him, had been used as a political battledore between one constituency and another, had naturally a keen appreciation of public opinion. He could not but think the right hon. and learned Gentleman, having been treated unmercifully out-of-doors, did not feel it incumbent upon him to be merciful to hon. Members inside the House. When the right hon. and learned Gentleman spoke of the country judging of the conduct of hon. Members who felt it their

duty to criticize and offer reasonable opposition to the Estimates and to their continued discussion at an unnecessarily late hour, he begged to remind him that the word country included not only England, but Scotland and Ireland. He could tell the Committee that there were at least 60 or 70 constituencies in Ireland who would support the whole of the opposition to the Estimates which had been made that night, besides which there were 30 or 40 constituencies in England in which there lived a large number of Irish people, whose support was equally certain. Having been led into this vein by the remarks of the right hon. and learned Gentleman he would endeavour to keep to the question before the Committee, and he asked, was it fair or reasonable that hon. Members should be kept sitting any longer when the Votes which were coming forward would entail a considerable amount of discussion? First of all, there was the Vote in connection with the Suez Canal, upon which he had something to say with regard to its shares, its administration, and the international rights which it affected. Then there was the Vote of £26,000 for the police of the Island of Cyprus, and he wanted to know something with regard to the policy of the Government in connection with that place, especially as to the harbours and docks belonging to it. That question in itself was of sufficient importance to justify opposition to further progress in Committee on that occasion. Then there was the Customs Bill, which raised, perhaps, one of the greatest commercial questions of modern times, when it was considered in connection with the creation of a Minister of Commerce. Then, again, there were the Post Office Estimates, which required ample discussion, and, taken in connection with the other matters to which he had referred, he thought they fully justified the Motion to report Progress.

MR. BIGGAR said, he utterly denied that any obstruction had been caused that evening by the criticism which had taken place upon the Estimates. He was quite sure that the country would approve the course taken by the Opposition in refusing to vote £6,000,000 or £8,000,000 without consideration, as it had been suggested the Committee should do by the hon. Member for Northampton (Mr. Bradlaugh).

Question put.

The Committee *divided*:—Ayes 17; Noes 75: Majority 58.—(Div. List, No. 118.)

LORD RANDOLPH CHURCHILL said, he rose to move that the Chairman do now report Progress and ask leave to sit again: first, upon the ground that the Party in favour of reporting Progress had retained its strength, while the Party opposed to it had fallen off. Secondly, because the noble Marquess (the Marquess of Hartington) himself had retired from the scene, in order, physically and mentally, to be ready to take part in the debate on Indian affairs at 2 o'clock to-morrow. He (Lord Randolph Churchill) asked, if the noble Marquess desired to go home at that early hour, was it fair that hon. Members should be longer detained in that very unusual manner?

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

SIR WILLIAM HARCOURT said, that the Committee had been kept for two hours, which might have been advantageously employed in doing the Business of the country, in debating Motions to report Progress. The noble Lord the Member for Woodstock had, no doubt, a very great desire to facilitate the transaction of Business, which was shown by the fact of his moving a count early in the evening, at which time his Friends who supported him stood at the door to give effect to that Motion. As it appeared to him (Sir William Harcourt) that there would be no advantage in pressing the matter any further, he would consent to report Progress.

Question put, and *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee also report Progress; to sit again upon *Wednesday.*

#### POST OFFICE MONEY ORDERS BILL.

(*Mr. Fawcett, Lord Frederick Cavendish.*)

[BILL 172.] CONSIDERATION, AS AMENDED.

Further Proceeding on Consideration, as amended, *resumed.*

MR. R. N. FOWLER said, in the absence of his hon. Relative the Member for Cambridge (Mr. W. Fowler), he begged to move the addition to the clause which stood in his name.

Clause 3, page 3, line 3, after the word "cheque," add—

"Provided always, That any banker or corporation or company acting as bankers in the United Kingdom who, in collecting in such capacity for any principal, shall have received payment or been allowed by the Postmaster General in account in respect of any money order issued under this Act, or of any document purporting to be such a money order, shall not incur liability to anyone except such principal by reason of having received such payment or allowance, or having held or presented such order or document for payment; but this section shall not relieve any principal for whom such order or document shall have been so held or presented of any liability in respect of his possession of the same, or of the proceeds thereof."

*Amendment agreed to; words added.*

MR. FAWCETT said, the Bill had passed through all its stages without any Amendments, except a few, of the slightest importance; and, therefore, he hoped the House would allow him to read the Bill a third time.

Motion made, and Question, "That the Bill be now read the third time,"—*(Mr. Fawcett.)—put, and agreed to.*

Bill read the third time accordingly, and *passed.*

#### GROUND GAME BILL.

On Motion of Lord Elcho, Bill to secure occupiers of land against loss through injury to their crops by ground game, *ordered to be brought in by Lord Elcho and Mr. Puleston.*

*Bill presented, and read the first time. [Bill 312.]*

House adjourned at half after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 17th August, 1880.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Post Office Money Orders \* (197).

*Second Reading*—Bastardy Orders \* (191); Consolidated Fund (No. 2) \*.

*Committee—Report*—General Police and Improvement (Scotland) Provisional Order (For far Gas) \* (189).

*Report*—Local Government Provisional Orders (Bethesda, &c.) \* (116-198); Railways Con-

struction Facilities Act (1864) Amendment (196).

*Third Reading*—Married Women's Policies of Assurance (Scotland) \* (188); Spirits \* (184); Drainage Boards (Ireland) Additional Powers \* (183), and *passed.*

### RAILWAYS—CONTINUOUS BRAKES— CIRCULAR OF THE BOARD OF TRADE.—QUESTION.

EARL DE LA WARR asked the noble Lord who in that House represented the Board of Trade, Whether he could give the House any information in reference to a Circular issued by the Board of Trade in June last to the Railway Companies relative to the use of continuous brakes?

LORD SUDELEY: My Lords, in reply to the noble Earl, I have to state that on the 9th of June last the Board of Trade sent the Circular relative to continuous brakes to 92 Railway Companies, and that 48 replies have been received. Of these replies 29, including most of the large Railway Companies, state that they have adopted, or propose to adopt, a continuous brake, although some do not apparently comply with all the conditions of the Board of Trade. It is satisfactory, however, to observe that amongst those who state their intention of complying with all the conditions we have the London and North-Western, North London, London, Brighton, and South Coast, Great Eastern, North Eastern, Rhymney, Highland, North British, and Glasgow and South-Western. Some of these have to improve and alter their present brakes. The Great Western and the Midland have applied continuous brakes to some of their fast trains; but, while proceeding experimentally, they do not feel themselves justified in doing more at present. The Great Northern, the Manchester, Sheffield, and Lincolnshire, the Metropolitan, Metropolitan District, and some minor Companies have adopted a brake not automatic, and apparently have no intention of complying with the conditions in this respect. One Company, the London and South-Western, state that they are unable to give any undertaking, as they have not yet found a brake that can be relied on. Eighteen Companies, owning short or unimportant railways, consider that continuous brakes are not necessary on their lines. The remaining 45 Companies from whom no

replies have been received do not represent large or important railway systems. All the replies and Papers on the subject will be laid on the Table in a few days.

# PARLIAMENT—PUBLIC BUSINESS.

## OBSERVATIONS. QUESTION.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he had given private Notice that he should repeat a Question which he asked the Secretary of State for Foreign Affairs on Friday night with regard to the measures of importance which were to be sent up from the House of Commons to their Lordships' House before the close of the Session, and the time at which they were likely to arrive. To that Question he received an answer from the noble Earl which at the time he regarded as satisfactory. The noble Earl on that occasion stated that the Employers' Liability Bill would reach their Lordships in the beginning of this week, and the Hares and Rabbits Bill before the end of it. In *The Times* on Saturday morning he saw, with great satisfaction, that the Employers' Liability Bill had gone through all its earlier stages in the other House, and he concluded that it would be put down for third reading on Monday; but when he looked at the House of Commons' Paper for yesterday he found that it was not down, and by an announcement made last evening it would appear that it was not to be down for third reading till Wednesday. The result must, of course, be that their Lordships would not have it until the end of this week, or probably not until the beginning of next week. Then the Hares and Rabbits Bill was not to be down for Committee in the House of Commons till Thursday. It appeared to him that was not a satisfactory way of treating their Lordships' House, especially seeing that the whole of last evening was given in the House of Commons to Supply. Under the circumstances the Commons ought first to complete all the Bills which they desire should be passed in the present Session, in order that time should be allowed for their proper consideration by this House, and they might then devote all their time to Supply, while we were dealing with their Bills. He did not think the Government were treating their Lordships' House with proper consideration. The Hares and Rabbits Bill

could not reach that House before some day next week. That was a serious matter in regard of the Public Business, and he hoped that even yet there would be some revision of that Business which would have the effect of sending important Bills up to that House in time for some consideration to be given to them. He, therefore, wished to ask the noble Earl whether he could give any assurance as to what Bills would come up, and when they would arrive?

EARL GRANVILLE: My Lords, I will give my noble Friend the only answer I can give him. I made no positive announcement on Friday, and gave no assurance. I told my noble Friend that, from the information I had received, I hoped the Employers' Liability Bill would be up here in the early part of the week, and the Hares and Rabbits Bill before the close of the week. But circumstances have occurred which have prevented the third reading of that Bill from being taken in the other House till to-morrow. With regard to the Hares and Rabbits Bill, I cannot say when it will come up. Two Bills—the Merchant Shipping and the Post Office Money Orders Bill—have come up to-day. With regard to what my noble Friend has said about Supply having been taken yesterday, he knows that there are certain days fixed for that, and I think the Government can scarcely be blamed for using those days for that purpose, in order that there may be no unnecessary delay in coming to an end of our Parliamentary labours.

## RAILWAYS CONSTRUCTION FACILITIES ACT (1864) AMENDMENT BILL.

(*The Earl of Cork and Orrery.*)

### (NO. 196.) REPORT OF AMENDMENTS.

Amendments reported (according to order).

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he had had an Amendment to propose, the object of which was to limit the time during which the existing legislative arrangements for application for powers to construct railways in Ireland were to be set aside under this Act to one year. He could not see any necessity for allowing two years.

THE EARL OF CORK regretted that his noble Friend should persevere with



the Amendment. The object of the Bill was to give facilities for the construction of railways, and do away with a great deal of the expense which was now created. This Bill was neither more nor less than a measure in assistance of the Relief of Distress (Ireland) Act, and the result of adopting the Amendment proposed by his noble Friend would be that a large number of the schemes which were scheduled in the Relief of Distress (Ireland) Act could not be carried out; and it would confine applications which might be made under the Bill to three months only. The Board of Trade had sanctioned the Bill, and he hoped the Amendment would not be agreed to.

Amendment *negatived*.

Amendment made; and Bill to be read 3<sup>d</sup> on *Thursday* next.

#### MALTA.

##### QUESTION. OBSERVATIONS.

EARL DE LA WARR wished to ask the noble Earl the Secretary of State for the Colonies, If there is any objection to laying upon the Table of the House a copy of the petition to the House of Commons of the Maltese people in July 1879; also a copy of a recent address from Valletta to the Secretary of State for the Colonies, and other papers or correspondence relating thereto? He did not propose to make any comments upon the Questions to which these documents referred until the Papers were in their Lordships' hands. He had only one remark to make, which was that he believed they would be found to relate to matters of the highest importance to the Maltese people, and that they would receive at their Lordships' hands the consideration which they deserved, emanating, as they did, from a very loyal body of Her Majesty's subjects.

THE EARL OF KIMBERLEY said, there was no objection to lay the Petition and the Correspondence on the Table of the House.

#### INDIA—THE GOVERNORSHIP OF MADRAS.—QUESTION—OBSERVATIONS.

THE EARL OF CAMPERDOWN, in rising to ask Her Majesty's Government, Whether, in their opinion, it was necessary for the good government of Madras to maintain a Governor and Council in that Presidency, and whether, in view of the large financial saving which would

accrue to India by the substitution of a lieutenant governor or officer of similar rank, it was not desirable to abstain from appointing a governor on the retirement of the Duke of Buckingham until a final decision should have been arrived at on the subject, said, he would remind their Lordships that the tenure of office of the Duke of Buckingham as Governor of the Presidency of Madras would expire in November next. If the finances of India were in a normal state, it might, perhaps, not have been necessary to address this inquiry to Her Majesty's Ministers; but everyone would see that those finances were not in their ordinary state. Those who had read the despatches laid on the Table of the House of late years had, doubtless, seen, with much interest and some concern, the general tenour of those communications. Successive Secretaries of State and Viceroys, and eminent civil servants who had returned to this country, had pointed out that taxation was pressing heavily on India, and that various unforeseen circumstances, such as wars and famines, had occurred, and were likely to occur again. At this time India had not yet repaired the losses and replaced the deficits which were caused by the calamitous Famine of 1876-7. It had been wisely determined to take precautions against the distress that might otherwise be caused by future famines; but that had rendered it necessary to put aside a Famine Fund to the extent of £1,500,000 every year; and all these circumstances working together had drawn the attention, not only of English statesmen, but the country generally, to the financial condition of India. Moreover, India would have to provide for the costs of the late war, and those expenses would be increased by the calamity which had fallen upon our Forces at Candahar. When these difficulties had been surmounted, we should find ourselves face to face with the question, how was revenue to be made to meet expenditure? It was, therefore, very natural that when the office of Governor of Madras was becoming vacant, they should ask themselves whether it was an office that ought to be renewed. That there should be greater economy in administration was recognized very strongly in both Houses of Parliament; but there was no use in trying to effect that by a reduction here and there of the number of Sepoys. He would cite the authority of his noble

*The Earl of Cork*

Friend the First Lord of the Admiralty for the proposition that the economy must commence in high places. That was laid down by his noble Friend in a speech delivered in their Lordships' House on the 19th of June, 1879. The salary of the Governor of Madras was £13,000, and the salaries of the Civil Members of his Council, which consisted of two persons, amounted to £25,000 per annum; while Bengal was governed by a Lieutenant Governor whose salary was £12,000 a-year, and who had no Council. The question was whether, for this expenditure of £38,000 a-year, they obtained a full equivalent, and whether it was absolutely necessary? What were the circumstances under which they appointed a Governor of Madras? They should consider how the administration of India was carried on. There were three Presidencies now, and had been for 200 years—namely, Bengal, Madras, and Bombay. In those early days, Madras and Bombay were far distant from Calcutta—in fact, as far as from London at this time; but now railways and telegraphs existed, and the Governors of those Presidencies could place themselves in constant communication with the Viceroy. He had heard it stated, in favour of retaining a separate Governor of Madras, that he could be used as a check upon the Viceroy, and that it was of advantage to obtain independent views of a statesman who might be there, and who would probably hold opinions of his own on important questions. But it was well known that within the last five years there had been notable instances of differences of opinion respecting the famine between the Viceroy and the Governor of Madras, the result of which everyone would allow was unfortunate to the people who were affected by that disaster. He doubted whether his noble Friend (the Earl of Northbrook) thought that the Governor of Madras was of any use as a check on the Viceroy. But it might be possible to impose a check upon the Viceroy in some other way. The Government of India was a bureaucracy, a despotism limited only by control from at home; and if they wished to impose control upon the Viceroy it must not be merely by appointing two Governors, but by going further and appointing independent European statesmen in Council, and by giving representation to Native

opinion in some form or other. The Governors of Bombay and Madras could not do much good, and might possibly, in some cases, do a great deal of mischief with respect to the Viceroy. That was the opinion of his noble Friend below him; and the Army Commission, which had recently sat, reported, with regard to the Armies of India, in the same direction. They recommended that the Commanders-in-Chief should not be Members of the Council of either Presidency. They were always talking about economy in India, and this was a matter on which there should be inquiry as to whether there could not be made a considerable reduction. If their Lordships contrasted the position of the Presidency of Madras with that of Bengal, they would find that while the population of Bengal was 64,000,000 that of Madras was but 34,000,000, and that in Bengal the extent of the Presidency embraced an area of 156,000 miles and that of Madras 138,000. He, therefore, saw no reason for maintaining a separate Government at Madras under the changed circumstances of the country. This was not a question whether the reduction would affect the Civil servants of the Crown, but what was the cheapest and most efficient manner in which India could be governed with a due regard to its own interests. It might be said that the Governor of Madras was appointed by statute, and that, therefore, there was a statutory necessity for having a Governor there; but he could hardly think that that would be considered a sufficient reason. If it were really found that the Governorship of Madras was not a necessity for the government of India, he could not help thinking that a Lieutenant Governor would be able to discharge the duties equally well, and that some temporary appointment might be made to bridge over a period, after which it would be possible to repeal those clauses of the Statute which at present rendered the appointment of a Governor necessary. There should, at any rate, be strong reasons for making a new appointment. These questions were looked at with great attention in India, and if the people of that country saw that a high appointment which was not necessary was abolished, it would greatly increase their belief in the integrity and justice of British rule in India.

LORD STANLEY OF ALDERLEY said, he was sorry to differ from the views expressed by the noble Earl. He thought that to abolish the present system of government at Madras would not be for the advantage of the people of India. On the contrary, he contended that it was of advantage to them that a Governor—a man of statesmanlike qualities—should be sent out fresh from England to manage their affairs. The noble Earl had mentioned the indirect advantage of the present system when he stated that the Government of India was a bureaucracy. The desires of the noble Earl in the direction of economy were, no doubt, highly laudable. He did not think, however, that much economy would be effected by his proposal; although the time might, no doubt, have arrived when there might be a reduction of salaries amongst the higher Civil servants in India. If Native Civil servants were appointed, they would, when in the receipt of them, spend their pensions in India and not in England. The noble Earl thought that because Bengal was governed by a Lieutenant Governor, that, therefore, the Madras Presidency might be governed in the same way; but there was this great difference—that the population of Bengal was comparatively homogeneous, whilst in the Madras Presidency there were a great variety of nations and languages, entirely disconnected with one another, such as Tamil, Telugu, Candresse, and Malayalim, besides a great variety of castes, which made the Government of Madras less simple a matter than that of Bengal. To carry out this Motion to its legitimate consequences the noble Earl should propose to abolish the Governor of Ceylon and transfer that Island to the Indian Government. When the noble Earl's Motion first appeared he entertained the opinions which he held now; but he had since consulted some Natives, and their views were that it was more to the advantage of India that there should be Governors appointed with English traditions, as they were able to keep a check upon the Civil servants, who got too much into a sort of groove in the administration of their duties. At any rate, the Natives would not like to see the change proposed.

THE EARL OF NORTHBROOK said, he need not assure his noble Friend that Her Majesty's Government were as

anxious as he (the Earl of Camperdown) could be to make any proper reduction in the cost of the Administration of India. As his noble Friend had been good enough to refer to some observations of his, he might observe that upon that occasion he had recommended the abolition of the office of the Public Works Member of the Council of the Viceroy, a recommendation which had been carried out, at a saving of £8,000 a year. With respect to the particular reduction advocated by his noble Friend, he confessed that he himself was of opinion that the question of a reduction of expenditure in connection with the Governorships of Madras and Bombay was one well worthy of careful consideration; but what the result of that consideration would be he could not anticipate. The question whether the Governments of Madras and Bombay would be better conducted by officers brought up in the Indian Service, and acting without a Council, or by statesmen sent out from this country, acting with a Council, was a difficult one. There were considerations on both sides. A Governor without a Council could, perhaps, act with more vigour; but, on the other hand, a Council was a check against sudden changes of policy, and precipitate action on the part of an individual. Their Lordships would see that this was a question of some magnitude; and he thought it would be premature to express an opinion now as to which form of government was best suited to Madras. The Lieutenant Governors of Bengal and the North-Western Provinces and the Punjab had, on the whole, administered their Provinces with ability and success; therefore, it had come to be considered that the same plan might be adopted with regard to Madras. But it was right to observe that the Presidencies of Madras and Bombay were more distant from the Central Government than Bengal and the North-Western Provinces, where the Governor General spent a great portion of the year, a circumstance which enabled frequent personal communications to take place upon matters of importance. This showed that the question raised by his noble Friend was by no means so simple as it at first sight might appear to be. As to the present state of affairs, the late Government, a few months ago, appointed Sir James Fergusson to be Governor of

Bombay, on the old system, and Her Majesty's Government did not think it would be right to leave the Government of Madras in a state of uncertainty during the consideration of the question; and, therefore, they did not intend to suspend the appointment of a successor to the Duke of Buckingham until it had been discussed and decided. At the same time, it was a question well worthy of consideration, and one on which Her Majesty's Government desired to receive the opinion of the present Viceroy. There were two observations made by his noble Friend on which he should like to say a word. He had described the Government of India as a despotism tempered only by control from home; but he omitted to observe that the government of India was not a government by the Governor General alone, but a government by the Governor General in Council; and although, under certain defined circumstances, the Governor General had power to overrule the Council, the Council had a statutory right to record their opinions. He thought it absolutely necessary that there should be a Council attached to the Governor General of India, who gave their advice, and who, occasionally, it might be, offered objections to the course which the Governor General proposed to take; and he wished to add that when Governor General of India he had never found that the presence of a Council, or the statutory powers they possessed, had in any manner proved detrimental to the Public Service. His noble Friend had alluded to the recommendation of the Commission on the Organization of the Army of India that the Armies of Madras and Bombay should be placed under the command of Lieutenant Generals, who should be under the Commander-in-Chief of India. He had not had an opportunity of perusing the Report of the Commission; but he should be doing wrong if he did not express his own strong personal opinion to the effect that it would not be right to amalgamate the Armies of Madras and Bombay with that of Bengal; he knew that in stating that he was expressing the opinion of many of the best and wisest Indian statesmen; and he should much regret if, for the sake of a small economy, they should destroy the separate *esprit de corps* of the Armies of Madras and Bombay, which it was desirable to maintain

on the highest political grounds. He hoped he had satisfied his noble Friend and their Lordships that Her Majesty's Government were anxious to bring about any reasonable economy in the Administration of India, and that the question would be viewed by them with regard to economical considerations, and also with reference to the large Constitutional questions which must be involved when great Provinces were to be administered.

LORD ELLENBOROUGH also expressed himself strongly opposed to any amalgamation of the Armies of Bengal and Madras, thinking that their separate existence was of advantage, which was more particularly shown during the recent mutiny in India of the Bengal Army. The system of the Madras Army, being one of pensions, was one of the principal, if not the main cause of the fidelity of the Madras Army. From being formerly acquainted with the three Presidencies, having served both in Bengal and Madras, he would give the preference to the system in force in the Native Army of the Madras Presidency. He pointed out that it was absolutely necessary that some officer of rank should be in command of the Army of that Presidency, as also that some high officer should be at the head of the Civil Government of the Madras Presidency. He was also of opinion that the same reason prevailed for the retention of the Civil Governor of the Bombay Presidency, who was so frequently the confidential channel of communication by telegraph between the Viceroy and the Home Government. He saw no reason why the system of governing the Presidency (Madras) by a Governor, as heretofore, should be departed from; but, on the contrary, many cogent reasons existed against the introduction of a hasty change on the score of economy, which might ultimately be found the reverse of economical, although he admitted there might be some reduction of expense by the amalgamation of the functions of the Civil and Military control as had existed previously in the Presidency under reference. While feeling relieved by the assurance of the noble Earl (the Earl of Northbrook), he concurred in thinking that the question required careful consideration before any determination was hastily arrived at, if only on account of the variety of languages and races of the population of the Madras Presidency. Any one of

Indian experience must be of opinion that the attempt to abolish the Governorship of Madras and Bombay simultaneously would be impossible, except fraught with injury to the Indian Empire, or otherwise than unmindful of a proper regard to the interests of the Empire at large.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

Ordered, That on and after Friday next the Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays.—(*The Earl of Redesdale.*)

House adjourned at a quarter past  
Six o'clock, to Thursday  
next, a quarter before  
Five o'clock.

### HOUSE OF COMMONS,

*Tuesday, 17th August, 1880.*

The House met at Two of the clock.

MINUTES.]—SUPPLY—considered in Committee  
—*Resolutions* [August 16] reported.

EAST INDIA REVENUE ACCOUNTS, debate adjourned.

PUBLIC BILLS—Ordered—First Reading—Summary Jurisdiction (Ireland) \* [313].

Second Reading—Law of Ejectment (Ireland) \* [302].

Third Reading—Drainage and Improvement of Land (Ireland) Provisional Order (No. 4) \* [301]; County Courts Jurisdiction in Lunacy (Ireland) [306], and passed.

Withdrawn—Educational Endowments (Scotland) \* [288].

### QUESTIONS.

#### CRIMINAL LAW—EVIDENCE OF FREE-THINKERS.

MR. BRADLAUGH asked the Secretary of State for the Home Department, Whether, on Friday, August 6th, on one John William Wilkins, at West Hartlepool Police Court, refusing to take the oath and claiming to affirm, under the circumstances contemplated by the Evidence Amendment Acts 1869 and 1870, the evidence of the said John William Wilkins was not rejected by the magistrates because he had stated that

*Lord Ellenborough*

he was a freethinker; whether, in consequence of this refusal, a prisoner charged with theft was not released for want of evidence; whether, shortly previously, at Huddersfield, the evidence of one Samuel Poppleton was not refused by the Huddersfield magistrates under similar circumstances; whether, in each case (having in view the decision of the Court of Queen's Bench in *re Woolrych ex parte Lennard*), the refusals by the magistrates respectively were not illegal; and, whether the magistrates ought not to have allowed each of the said witnesses to give evidence on making the solemn declaration or affirmation provided by "The Evidence Further Amendment Act, 1869?"

SIR WILLIAM HARCOURT, in reply, said, that he hoped that the hon. Member would not think him guilty of any want of courtesy when he pointed out to him that his Question was one that should not have been put to the Secretary of State for the Home Department, it being founded upon a misapprehension as to what the functions of the Secretary of State were. The Secretary of State, by virtue of the Prerogative of the Crown, had control over sentences, but had no control over the administration of the law. That duty was governed by the law, and by those authorized to declare what the law was—namely, the Judges and the Courts of Law. If he were to express an opinion upon a purely legal Question of this kind, he should be exercising a jurisdiction that did not belong to him. If the magistrates had done wrong by admitting evidence improperly, that could be cured by appeal; if they had improperly refused to receive evidence, that could be cured by *mandamus* ordering them to admit it. Questions of this kind ought to be decided by a Court of Law; and if he took it upon him to decide the question he would assume an authority which did not belong to him.

#### TURKEY—NAVIGATION OF THE RED SEA.

MR. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether, in view of the frequent loss of life outside the port of Jiddah, and of the facts that half the expense of the Consulate of Jiddah is borne by India with reference to obtaining pro-

tection for Her Majesty's Indian subjects resorting to that port as Mahommedan pilgrims, and that heavy duties are levied upon Indian imports at Jiddah, the Government will press upon the Porte the obligation of reducing, as far as possible, the great dangers which beset the navigation of that part of the Red Sea?

**SIR CHARLES W. DILKE:** The subject mentioned by my hon. Friend is under consideration. It is important, but surrounded with difficulty. The utmost attention will be given to the point raised by him.

#### **SOUTH AFRICA—CONSTITUTION OF NATAL.**

**SIR HENRY HOLLAND** asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table of the House the recent Despatch of the Secretary of State for the Colonies, on the subject of the Constitution of Natal, referred to by Sir Bartle Frere in his Despatch of July 6th, 1880; and, whether it is contemplated to make any important changes in the Constitution of that Colony?

**MR. GRANT DUFF:** The system which existed in Natal before the Act of 1875 will presently revive on the expiration of that Act. Confederation being in abeyance for the present, no further immediate change is contemplated. The despatch for which the hon. Baronet asks will, I hope, be in his hands this week.

#### **CRIMINAL LAW—THE LICHFIELD ELECTION ASSAULT CASE.**

**MR. JESSE COLLINGS** asked the Secretary of State for the Home Department, If his attention has been called to the following account appearing in the "*Birmingham Daily Post*" of Saturday July 24th:—

"Lichfield. An Election Assault Case. At the City Police Court, on Thursday, before the Mayor (Alderman Morgan), and Messrs. Coxon, Hinckley, and McLean, an assault case arising out of the recent election was heard. Henry Baker summoned Patrick Lafferty for assaulting him in Bore Street on the evening of the 15th inst. There was a large crowd present during the affray, and many witnesses were prepared to give evidence in defence, but were not allowed. One witness, however, testified that he heard Alderman Coxon inciting Baker to fight, and saw him strike at someone with a

stick, but, missing his aim, hit Baker instead, who fell and received his injuries. Alderman Coxon, retaining his seat on the bench, denied that he did anything of the kind, and said he had no stick in his hands. He continued then to adjudicate upon the case, and finally the magistrates, refusing to adjourn the case in order to allow Lafferty to obtain a solicitor, sentenced him to a month's hard labour without the option of a fine;"

if he is aware that two of the magistrates who adjudicated in the case were seriously implicated in the proceedings which were investigated in the course of the trial of the Election Petition before Mr. Justice Lush and Mr. Justice Manisty; that the evidence of one of them, Alderman Coxon, on an important matter of fact was rejected by the Judges, and that the other, Mr. Hinckley, was severely censured for conduct described by Mr. Justice Lush as

"Approaching dangerously near to the line which separated legitimate from illegitimate influences, if it did not overstep it;"

and, whether, considering the partizan character of the bench, and the degree of punishment awarded for the offence, he will not institute an immediate investigation, with a view to the mitigation of the punishment and the release of Lafferty from prison?

**SIR WILLIAM HARCOURT**, in reply, said, that an examination of all the facts of the case led him to believe that the punishment awarded to the prisoner was too severe, and he ordered a remission of the rest of the sentence on Friday last.

#### **INDIA—THE MAHARAJAH DULEEP SING.**

**MR. BRADLAUGH** asked the Secretary of State for India, in reference to the East India Home Accounts, p. 20, Whether the loan of £13,000 to the Maharajah Duleep Sing was made in pursuance of any, and, if any, which Treaty or engagement; whether there has been any Correspondence as to the conditions upon which the said loan of £13,000 has been made, and as to the eventual repayment thereof, and as to any security for such repayment; and, whether there is any objection to lay such Correspondence upon the Table of this House?

**THE MARQUESS OF HARTINGTON:** The loan of £13,000 to the Maharajah Duleep Sing has not been made in pursuance of any Treaty or engagement.

The House is probably aware that the Maharajah Duleep Sing has been for some time in embarrassed circumstances, and much Correspondence has passed between himself and the India Office with regard to his financial position. That Correspondence is still continuing, with the object especially of securing the effectual repayment of the loans which have been made to him; but until the negotiations are completed I do not think that it is desirable to lay that Correspondence upon the Table.

CONTAGIOUS DISEASES (ANIMALS)  
ACT—CATTLE DISEASE.

MR. ARTHUR ARNOLD asked the Vice President of the Council, If any, and what number, of the carcasses of the 137 cattle from the United States of America, reported in 1879 to be affected with pleuro-pneumonia, and of the 84 cattle so reported between January 1st and February 20th, in 1880, were sent out from the markets under the supervision of the Privy Council, undistinguished from healthy meat, as food for the people; and, whether the carcasses of the animals lately slaughtered at Birkenhead on report of Texas fever have, in every case, been destroyed; and, if not, whether any and what number have been passed into the meat supply of the population?

MR. MUNDELLA, in reply, said, the Privy Council had the duty imposed upon it of only keeping out diseased animals. The duty of preventing the sale of unwholesome food devolved upon the Local Authorities. With respect to the carcasses of cattle slaughtered upon report of Texas fever, they were destroyed in all cases except the first five. In these cases the carcasses were removed from the wharf, and the Privy Council had no information whether they were seized by the Local Authorities or not. All the others were destroyed.

CONTAGIOUS DISEASES (ANIMALS)—  
THE STEAMER "IOWA"—TEXAN  
FEVER.

MR. WHITLEY asked the Vice President of the Committee of the Privy Council, Upon whose authority he made the statement that some of the cattle landed from the steamship "Iowa" were suffering from Texas fever; and,

whether the disease was not really splenic apoplexy, caused by overheating and change of food?

MR. MUNDELLA, in reply, said, the authority for his statement was Professor Brown, and he had reported that the disease was Texan fever—a malady which was more fatal than cattle plague. He should give the House what further information he had on the subject. It seemed that the cargo of the "Iowa" was shipped at Boston, and there were 848 cattle shipped. 43 died on the voyage and were thrown overboard; 1 was landed dead; and 804 arrived alive. Since their arrival 13 had displayed fever. The Department sent down one of their best Inspectors who had more knowledge of splenic and Texan fever than any other man, and when he arrived on Friday these cattle had been slaughtered 30 hours. He made a *post-mortem* examination, and the cattle showed the ordinary indication of splenic apoplexy; but the Inspector said that many of the characteristics of splenic apoplexy and Texan fever are very similar. He was not prepared to say whether it was or was not Texan fever. The *post-mortem* appearances resembled splenic apoplexy in this country. All the animals affected were from one consignor; but it was an undoubted fact that Texan fever had got a stronger hold in the North of the United States, and required to be watched with a great deal of care, for it was a very dangerous disease.

CROWN RIGHTS TO THE FORESHORE  
—SKERRIES (IRELAND).

MR. W. CORBET asked Mr. Solicitor General for Ireland, Whether his attention has been called to the case of Hamilton versus the Attorney General and others, which has just been tried by the Vice Chancellor, and to a Petition presented to this House in July 1879, the question involved being the right of the people of Rush and Skerries to take the seaweed on the seashore boundary of Mr. Ion Trant Hamilton's property at Skerries in the county of Dublin; whether he has seen in the Dublin papers a report of the Vice Chancellor's judgment, in which it is stated, with reference to the charter of James I., "no express grant was made in that charter of the lands between high and low water mark," that the title to the

foreshore "must be in the Crown or some grantee of the Crown," and that "the Attorney General had made no claim on behalf of Her Majesty;" whether the present Attorney General instructed Mr. T. R. Hamilton, B.L., through Mr. N. Hamilton, solicitor, not to contest the claim of Mr. Ion Trant Hamilton to the foreshore; and, if not, whether he will now take steps to assert the rights of the Crown in this matter; whether the allegations contained in the Petition as to the refusal of the local magistrates, and the appointment by the late Government of stipendiary magistrates, to try the persons summoned for asserting their right of way, and the employment of a police force of over a hundred men "minding the seaweed on the foreshore for a period of about three months," are correct; and, whether he will, in compliance with the prayer of the Petition, which is signed by 150 of the inhabitants of the districts of Rush and Skerries, lay the Papers asked for upon the Table of the House?

**THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON):** My attention was not called to the case referred to in the Question of the hon. Member; but I have read in the Dublin papers of the 9th of this month the judgment which the learned Vice Chancellor is reported to have delivered in the case. The Attorney General requests me to state that no instructions whatever were given by him; and, therefore, if any instructions were given on the part of the Crown, it must have been before the present Government came into Office. The Petition mentioned in this Question was presented to the House so far back as July, 1879; and after this lapse of time it would, in my opinion, be unwise to re-agitate matters arising out of a question of disputed right which has now been adjudicated on by the Vice Chancellor, and one branch of which appears to be still pending in the Queen's Bench in Dublin. The Vice Chancellor is reported in his judgment to have been of opinion that the patent from the Crown, under which the plaintiff claimed, contained general words sufficiently comprehensive to pass the disputed foreshore between high and low water-mark, and that the evidence established that the plaintiff and his predecessors were in possession of it. If so, there are no rights of the Crown to be

asserted in the matter; and, in these circumstances, I cannot undertake to produce the Papers asked for by the Petition.

#### EDUCATIONAL ENDOWMENTS (SCOTLAND) BILL.

**DR. CAMERON** asked the Vice President of the Council, Whether Government has yet arrived at a definite decision as to the course to be pursued with respect to the Educational Endowments (Scotland) Bill?

**MR. MUNDELLA:** Last week I received a requisition signed by a considerable number of Scotch Members, asking me to name a day for the second reading and another for the Committee on the Educational Endowments (Scotland) Bill. I promised to do my best to obtain these days from the time at the disposal of the Government; but in view of the present state of Public Business, and of the opposition—although the opposition is of a very small minority—to the Bill, I see no chance of proceeding with it this Session, and I propose to discharge the Order to-day.

#### AFGHANISTAN (MILITARY OPERATIONS)—THE ADVANCE OF GENERAL BURROWS.

**SIR H. DRUMMOND WOLFF** asked the Secretary of State for India, Whether the advance of General Burrows on the Helmund was ordered on the responsibility of the late or present Viceroy; whether when the order was given the forces of the Wali were supposed to be friendly to British interests; whether at that time it was known to the Viceroy that in case of a disaster the forces at Quettah were not in a state of preparation immediately to advance to the relief of the small garrison of seventeen hundred men which was left in Candahar; and, if there was any reason against ordering General Phayre to march towards Candahar when it became known to the Viceroy that the troops of the Wali had mutinied and become enemies instead of friends?

**THE MARQUESS OF HARTINGTON:** The advance of General Burrows on the Helmund was ordered upon the responsibility of the present Viceroy. When the order was given the forces of the Wali were supposed to be friendly to British interests; but no great reliance



was placed upon the assistance which it would be in the power of the Wali to give to the British troops. The hon. Gentleman asks—

“Whether at that time it was known to the Viceroy that in case of a disaster the forces at Quettah were not in a state of preparation immediately to advance to the relief of the small garrison of seventeen hundred men which was left in Candahar?”

I am not able to state what was known at the time as to the state of preparation of the force in Quettah. I do not know how many reinforcements had reached the line of communications; and, therefore, I am not able to give an answer to that Question. The hon. Gentleman further asks—

“If there was any reason against ordering General Phayre to march towards Candahar when it became known to the Viceroy that the troops of the Wali had mutinied and become enemies instead of friends?”

Of course, it was necessary for General Phayre, being in command of the forces, to maintain the communications with Candahar, and not to despatch such a body of troops as might unduly weaken that line of communications. As the reinforcements arrived from Scinde, it was, no doubt, the duty of General Phayre to send them on to Candahar. That was done, as I stated yesterday, and one or two regiments, probably two, have already arrived at Candahar.

SIR H. DRUMMOND WOLFF: When did they arrive there?

THE MARQUESS OF HARTINGTON: I am under the impression that I mentioned the date of their arrival yesterday; but I have not the Papers with me at this moment.

SIR H. DRUMMOND WOLFF: The noble Lord stated yesterday that General Phayre was expected to arrive at Candahar on the 20th.

THE MARQUESS OF HARTINGTON: I stated that General Phayre's force would be able to advance to the relief of Candahar about that date; but I added that one Native regiment, if not two, had by this time arrived at Candahar.

#### STATE OF IRELAND.

SIR WALTER B. BARTTELOT: I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland a Question I think I am justified in asking, although I am one of those who never ask Questions of the kind if I can possibly avoid

doing so. The Question is, whether the right hon. Gentleman has seen in the papers of Monday, the 16th August, the following speech made by a Mr. Dillon, who I find is the Member for Tipperary, at a meeting held in the County of Kildare on Sunday last? It is as follows:—

“Let them get two active young men, who were not afraid of any one, and let those young men go to every farmer on the townland, and see whether he would join the League. Then if any man did not join, when he got into difficulty they would leave him in his difficulty. If an attempt was made to evict a man who had joined, the members would have a meeting called to denounce the landlord who had put him out. The Land League would take care of the man, and see that he did not starve. Then it would be the duty of those organisers to tell how many men they could march to a meeting, and they should march these men like a regiment of soldiers. [*Cheers.*] There was more effect in 200 men marching to a meeting than a great deal of speaking. Such action, if carried out through the country would make the landlords a great deal better. [*Cheers.*] The League was almost in its infancy, and the people had not been sufficiently made aware of its objects; but he would tell them what the League would do if the landlords refused them justice. After another six months or a year, when they had enrolled in Ireland, as he hoped they would have before long, 300,000 members of the League, and if the landlords persisted in resisting justice and to moderate their claims, they would give out the word to the people of Ireland to strike against rent entirely [*Loud cheers.*], and to pay no more until justice was done to them. With 300,000 Irishmen enrolled in the National Land League all the armies in England would not levy rent in that country. [*Cheers.*”]

As I believe the attention of the right hon. Gentleman must have been drawn to this speech, I beg to ask him what steps he intends taking with regard to language which amounts to a direct incitement to criminal violence and organized rebellion?

MR. T. P. O'CONNOR: Before the right hon. Gentleman answers the Question, I wish to ask the hon. and gallant Baronet the Member for West Sussex whether, in conformity with the rules of courtesy in this House, he has communicated to my hon. Friend the Member for Tipperary his intention of putting this Question to the Chief Secretary?

MR. W. E. FORSTER rose to answer the Question, when—

MR. T. P. O'CONNOR said: Before the right hon. Gentleman addresses the House I wish to point out that the hon. and gallant Baronet has not answered my Question.

*The Marquess of Hartington*

MR. W. E. FORSTER: I have been asked a Question, and it is my duty to reply to it. I am not surprised that the Question should be asked. I read that speech yesterday morning; and the fact that it was made by a Member of this House does not take away from whatever of importance may attach to it, but rather increases its importance. It was a speech, with regard to which I should have expected Questions to be asked me, whether made by a Member of the House or not. I can hardly say how strongly I felt upon reading that speech, not merely with regard to its imprudence—I might use a much stronger term than imprudence, and say its wickedness. I think we may make a mistake in overrating the effect that such a speech may have even upon an excitable population, and it would be a great mistake to overrate it. But, so far as that speech can have any effect at all, I can hardly suppose that the hon. Member for Tipperary would have thought it could have any other effect except in inciting men to break the law. The hon. and gallant Baronet asks me what steps the Government will take. Well, I cannot give him any precise answer with regard to that Question, because we must remember this—that our laws are made, and we pride ourselves on our laws being made, to protect freedom of speech, and it is possible for an ingenious man to take advantage of these laws in order to make speeches which ought not to be made. I do not imagine that anything would delight the hon. Member for Tipperary more than a prosecution in which, owing to his taking advantage of our laws giving freedom of speech, the Government should fail; and I do not intend to give him an opportunity of bringing about that result. On the other hand, I may state that that speech, and speeches like that, are carefully watched by the Government, and it is their duty to watch them. I must repeat what I said before with regard to such speeches as this. Its wickedness can only be equalled by its cowardice—the cowardice of tempting excitable men in a way which is likely to lead them to break the law by the use of language which is ingeniously framed to secure the speaker from prosecution.

SIR WALTER B. BARTELOT: In answer to the Question of the hon. Member for Galway Borough (Mr. T. P.

O'Connor), I beg to say that I have not written to the hon. Member for Tipperary. In all ordinary circumstances, and on all ordinary occasions, I should have felt it my bounden duty to communicate with any person in the position of the hon. Member for Tipperary on putting a Question of this kind; but the speech appeared in all the papers throughout the country, and was not contradicted. I therefore thought that this House was the proper place to put the Question; and I had hoped that the hon. Member would have been in his place to answer it.

MR. T. P. O'CONNOR: I will not trouble the House with more than two or three sentences; and I hope I shall not be put to the necessity of making a Motion. I do not think the statement of the hon. and gallant Baronet at all excuses his conduct. The charge he brings against my hon. Friend, and which has been repeated by the right hon. Gentleman the Chief Secretary for Ireland, is a very serious and a grave charge. ["Hear, hear!"] Well, being serious and grave, the least that courtesy and justice could have demanded would be that the hon. Member should have been asked whether the report was or was not correct, and, if correct, whether he had any explanation to offer on the subject. A delay of two or three days would have been quite sufficient to allow this course to be followed; and from what I know of my hon. Friend I know that he would have been indisposed to shrink from affording an explanation to anybody as to whatever course he may have deemed it proper to pursue. I wish to say, in conclusion, that if violent language were the usage on platforms in Ireland—if exaggerated hopes were encouraged and violent action resorted to, it is because you insist on keeping up a state of things—["Order!"]

MR. SPEAKER: The hon. Member is not in Order in making a speech. There is no Motion before the House, and he is not entitled to reply on a Question.

MR. T. P. O'CONNOR: Then I shall conclude by saying that so long as the centre of political gravity is removed outside of Ireland, and the appeals of the Irish people are set at naught, you must have agitation of a violent character.

MR. J. COWEN: May I ask the Chief Secretary for Ireland the grounds

on which he believes the report of the speech of the hon. Member for Tipperary to be accurate? The right hon. Gentleman has charged with cowardice an hon. Member of this House, whom I have the honour to call my friend, and who, I should say, would be about the last person open to such an imputation.

MR. W. E. FORSTER: The report was the same in several papers yesterday morning, and the report was of such a nature that I could not help believing the speech had been delivered. If the hon. Member had not delivered the speech, he would, no doubt, have contradicted it, and denied responsibility for it.

MR. J. COWEN: May I ask this Question? Is it not a fact that one reporter sometimes attends a meeting and sends the same report to several newspapers?

MR. W. E. FORSTER: The reports I saw so varied that I do not think that can have been the case.

**CRIME (IRELAND)—RIOTING AT DUNGANNON—FIRING ON THE PEOPLE BY ROYAL CONSTABULARY AND LOSS OF LIFE.**

MR. SEXTON asked the Chief Secretary for Ireland, If he could afford the House any information with respect to the firing by the police and the consequent loss of life at Dungannon on Monday last; whether it was true that the disturbances were in consequence of an attack by a number of Orangemen on a small party of Catholics while returning home; whether the police, instead of dispersing the offending party of Orangemen, charged the Catholics; whether they used buckshot; and, whether the unfortunate man William O'Rourke, who was shot dead, and the others who were seriously wounded were all, without exception, Catholics?

MR. W. CORBET also asked, Whether the Chief Secretary had any information to give the House as to the disturbance at Ballinkerry; and, whether it was true that several houses had been wrecked there?

MR. W. E. FORSTER: I may have information with regard to the last Question. Where is the place?

MR. W. CORBET: It is in the North.

MR. W. E. FORSTER: I received last night a telegram which states that there had been most serious rioting

yesterday in Dungannon. The police being attacked and fired on several times had to fire in return. It was believed that several persons were wounded, and one was said to be dying. I have telegraphed again to Dungannon this morning, but have not received any further information. I have to-day received a telegram from Belfast, which states that a large Nationalist procession, about 6,000, with banner and bands, left Belfast yesterday morning, and returned in the evening without molestation, being effectually protected by the police and the military. While the processionists were going out of the town, a public-house belonging to a Roman Catholic in the suburbs, at some little distance from the line of route, was attacked and gutted by a Protestant mob, who overpowered the 10 police there on duty. At about 2 o'clock yesterday, a sudden raid was made by a Protestant mob on a Roman Catholic street in the suburb, near Shankhill Road. The police were for the time overpowered by the mob, who smashed the windows in a number of houses, one being a public-house, from which liquor was taken. After the return of the processionists, large mobs of the opposing parties assembled between Falls Road and Shankhill; some stone-throwing took place. The parties were kept asunder by the police. The Riot Act was read, and the excitement subsided at 10 o'clock last night, since which time no renewal of the disturbance has occurred. I received that to-day. Perhaps I may be allowed to state that I cannot really understand how it is that every man of importance, every man of influence, and every minister of every religious denomination in the North of Ireland, do not meet and agree to set their faces against the foolish processions which lead to this miserable rioting. They are of no great national importance, because we know that they pass off in a day; but the consequences to which they give rise are a perfect disgrace to a civilized country, and a disgrace to the Province of Ulster.

MR. O'CONNOR POWER said, that in consequence of the reports which had reached them from Ireland that day, and of the concluding observations of the right hon. Gentleman, in which, as an Irish Member, he concurred, he wished to give Notice that, as it was proposed that there should be some

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lengthened discussions on the Estimate for the Irish Constabulary, he would call the attention of the House to the periodical collisions between religious factions in Ireland, and the interference of the Constabulary with the people, and would ask whether the Government would not, on an early day, consider the best means of bringing them to an end?

LORD RANDOLPH CHURCHILL said, that in consequence of the state of Ireland, disclosed in the Questions, and the answers which had been given that day, he should on Thursday ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the intention of Her Majesty's Government, before the prorogation of Parliament, to ask that additional and exceptional powers should be conferred on the Irish Executive for the preservation of peace and for the better security of life and property in Ireland; or whether, in view of the state of that Country, as disclosed in the official statements made in the House from time to time by the Chief Secretary to the Lord Lieutenant, the Government propose to rely during the coming autumn and winter on the protection afforded by the ordinary Law?

MR. T. P. O'CONNOR gave Notice that, after the noble Lord's Question had been put, he would put to the noble Lord the Secretary of State for India this Question—Whether, with reference to the refusal of the House of Lords to pass a Bill demanded by Her Majesty's Advisers as a help to carry out the Law and preserve the peace, and to the effect produced in Ireland by that refusal, he will help to elicit an expression of opinion on such action by facilitating the discussion of a Motion on the Order Book in reference to hereditary and irresponsible legislators?

#### INDIA—LAND LAW ADMINISTRATION OF BEHAR.

MR. O'DONNELL asked the Secretary of State for India, Whether his attention has been directed to a telegraphic summary of a speech by the Lieutenant Governor of Bengal in the "Times" of the 16th instant, in which a recent letter on the alleged abuses of Land Law Administration in Behar is spoken of as the work of a "very inexperienced" officer; whether it is not the

fact that the officer in question has spent several years of service in the districts referred to, and is the author of three volumes of Reports on Behar in the official "Statistical Account of Bengal;" and, whether he can inform the House that a thorough and searching investigation has been ordered into the Land Law Administration of Behar?

THE MARQUESS OF HARTINGTON, in reply, said, that his attention had been called to the telegraphic summary of a speech by the Lieutenant Governor of Bengal in *The Times* of the 16th instant. It would not be possible for a considerable time to receive a full report of that speech; and, therefore, he could not give the hon. Member a full answer to-day. It was a fact that the officer referred to in that speech had spent several years of service in the districts alluded to; and it was also the fact that he had been employed in collecting materials for a statistical account of Bengal in the same capacity as other officers in the districts to which they were attached. He had already stated that the subject of Land Law Administration of Behar had been undergoing a thorough examination, and that a Bill was in course of preparation as the result of the Report of the Commissioners appointed for that object. That Bill related to the recovery of rent in the Presidency of Bengal, and embraced, he believed, the leading provisions referred to in the Question.

#### INDIAN ORDNANCE CORPS—RETIRED OFFICERS.

LORD ELOHO asked the Secretary of State for War, What has been and what is proposed to be done as regards certain retired Officers of the late Indian Ordnance Corps, whose Petitions for inquiry into their claims against the Army Purchase Commission have lately been presented to Parliament?

MR. CHILDERS: In reply to my noble Friend, I have to state that the retired officers to whom he refers have made no representations to the War Office; and until I read the Question I had no knowledge of the grievance complained of. I have communicated with the Commissioners, and I am bound to say that I see no valid ground for disturbing their award. There is no appeal from it except by passing a fresh Act of Parliament. But if my noble

Friend will call on Sir Edward Lugard, who is the Chief Commissioner, he will, with much pleasure, explain to him the exact foundation of the award. I, as Secretary of State, have no authority in the matter whatever.

LORD ELCHO said, a Petition on that subject had been presented to the House.

MR. CHILDERS said it was a most inconvenient practice for retired officers having pecuniary claims on the Government to present Petitions relating to them to that House, instead of first memorialising Government to the Department. If they applied, in the first instance, to the proper Department, and were dissatisfied with the answers they received, they could then have recourse to Parliament.

### ORDER OF THE DAY.

INDIA (FINANCE, &c.)—EAST INDIA  
REVENUE ACCOUNTS—FINANCIAL  
STATEMENT.

#### COMMITTEE.

Order for Committee read.

THE MARQUESS OF HARTINGTON: Sir, in moving that you do now leave the Chair, and in taking this opportunity of making a Statement upon the subject of the Finance Accounts and Estimates of India, I feel that I stand in a somewhat exceptional and peculiar position. It is usually the duty of the Minister for India, when he makes this Statement, to present to the House the Accounts and Estimates which he has himself sanctioned, which he has approved, and for which he has made himself responsible. Both the current Estimates and Accounts, although exception may be, and frequently is, taken to the conclusions drawn from them, usually contain within themselves all the data which are necessary for the formation of a correct opinion upon them; and, if exception is taken to the conclusions drawn from them, they contain within themselves the materials for criticism and dispute.

But, on this occasion, it is my duty to present Estimates for which I am not responsible, which are to a considerable extent vitiated by the results of a policy which I have not ap-

proved, and which, as a matter of fact, I have condemned. Although we, unfortunately, now know that, to a very great extent, the Estimates I have to lay before the House have, in one important particular, because of the War in Afghanistan, already proved to be inaccurate, I cannot hold myself, even now, responsible for stating to the House precisely to what extent they are inaccurate, or how far the corrections which I shall have to apply to them can be held to be adequate and final. All, therefore, Sir, that it is possible for me to do on this occasion is to lay before the House, as clearly and impartially as I can, the Accounts and Estimates which were prepared by the late Government of India, and submitted to the late Government, and to apply to them such corrections as may be in my power; but which, I have already said, I cannot hold myself responsible for presenting to the House as absolutely adequate corrections. Although I am perfectly aware of the objections which exist to, and the tendency to financial laxity which is engendered from, a separation of Ordinary from Extraordinary Expenditure, I do not think that on this occasion I have any alternative. If the House is not to be led away—as I do not desire to lead it away—in taking too gloomy a view of Indian Finance generally, I have no alternative but to give the House the Accounts and Estimates apart altogether from the charges for the War; and then to give separately, as fully as I am able, the charges which, as far as I know, will be imposed on the Indian Revenues in consequence of the War.

I shall proceed, then, to lay before the House, in the first place, the Ordinary Accounts for the year 1878-9. Those Accounts show about the same surplus of £2,000,000 which was estimated for in March, 1878. The Budget Estimate presented in 1878 was an Estimate of Revenue of £63,195,000, and Expenditure £61,039,000, giving a surplus of £2,156,000. That surplus was reduced in the regular Estimate of 1879 to £1,452,000, in consequence of the charge for the war then anticipated; but the final Account shows a Revenue of £65,199,000, against an Expenditure of £63,165,000, or a surplus of £2,034,000. The surplus, therefore, as shown by the Account, is very nearly the exact amount anticipated in the Budget two years be-

*Mr. Childers*

fore. But, Sir, though the surplus was so nearly anticipated, these very Accounts appear to me to show in the most striking manner the uncertainty of Indian Finance, and the necessity, even in ordinary times, of cautious and prudent Estimates. The figures—if the House has followed me—upon each side of the audited Account, exceed by about £2,000,000 the sums estimated in the Budget two years before. On the Expenditure side, only £676,000 is due to the extraordinary contingency of the War; and, therefore, but for the unexpected improvement in the Revenue, the receipts for the year would only have given about £700,000 surplus, instead of £2,000,000, over the ordinary Expenditure of the year. Now, Sir, let the House consider how this unanticipated increase of Revenue has been obtained. £1,150,000 of it was an increase on the Estimate of £8,250,000 from the opium revenue, or 14 per cent. That, as I need not tell the House, is a most uncertain and unreliable source of Revenue. Therefore, although the result has proved so satisfactory, it shows how unsafe it would be to place reliance upon such a source of Revenue. But, taking the Accounts as they stand, and adopting the system I propose, after deducting the charge for the War which fell into the Account of 1878-9, and allowing for a receipt of about £100,000 from the railways and telegraphs, in consequence of the military operations, the result would have been a surplus of £2,610,000.

I now come to the year 1879-80. The Budget Estimate, framed in 1879, calculated the Revenue at £64,562,000, against an Expenditure of £65,917,000, showing an estimated deficit of £1,355,000. According to the Regular Estimate formed in February of the present year, when the results of the greater part of the year were known, the estimated Revenue amounted to £67,615,000, while the Expenditure was estimated at £67,285,000, showing a surplus of £330,000, instead of a deficit of £1,355,000. In my opinion, these Estimates, again, show the uncertain character of Indian Finance. The Revenue in the year 1879-80 has increased by £3,053,000 over the Budget Estimate of the year before. The increase in the Expenditure is chiefly due to the extraordinary charge for the War; but the manner in which the Revenue

has been increased is worthy, I think, of the attention of the House. The chief source of the increase is, again, the opium revenue. That shows an increase of £1,459,000 on the estimate of £9,000,000, or 16 per cent; while the charges in connection with its collection were reduced from an estimate of £2,500,000 to £2,059,000, a reduction of £441,000, giving altogether an improvement in the net receipts of £1,900,000 on an estimate of £6,500,000, or 29 per cent.

The only other item in the Regular Estimate upon which I need comment is, I think, that of the Public Works. There is an improvement on the Regular Estimate, as compared with the Budget Estimate, of nearly £1,500,000; and of this very nearly £500,000 is due to the reduction of expenditure upon ordinary Public Works such as buildings, roads, and so forth; but £1,000,000 is due to the increase of Revenue derived from Productive Works, of which half arises from the guaranteed railways and half is due to transfers from land revenue. Adopting the same system as before, of excluding the charge due to the War, which is given in the year under review at £3,208,000 for military operations, and £1,324,000 for Frontier railways, and deducting £300,000 for increased receipts anticipated from the railways and telegraphs during the War, there would, but for the War, have been a surplus of a Revenue over Expenditure, of £4,562,000.

Sir, I now come to the Budget Estimate for the year 1880-1. As compared with the Regular Estimate of the past year, the Revenue is estimated at £66,746,000, against £67,615,000; whilst the Expenditure is estimated at £66,329,000, as compared with an Expenditure for the past year of £67,285,000, giving an estimated surplus for the coming year of £417,000, as compared with an estimated surplus in the past year of £330,000.

The House will see that in these Estimates there is a decrease of nearly £1,000,000 on each side of the Account. In Revenue the principal alterations which I will mention, without going into any detail, are these. The net Revenue from productive works is estimated at an increase of £899,000; the salt duty, of £194,000; provincial rates, 55,000; while the land revenue shows a

decrease of £370,000. And I may here stop to explain that the falling off in the land revenue, as compared with previous years, is, I believe, entirely due to the cessation of the collection of arrears in consequence of the recent Famine. The assessed taxes are less by £247,000, and Customs by £59,000; while the opium revenue is very prudently estimated at a reduction of £1,150,000 below the amount stated in the preceding year. On the Expenditure side there is a diminished net charge of £358,400 for interest; for Famine relief, £94,300; for the Army—including the War and Frontier railways—£566,500; Provincial balances, £381,000; whilst exchange is estimated to cost more by £310,000; ordinary public works, by £45,000; and miscellaneous items, by £278,900.

It will be seen that a considerable reduction in Expenditure for the present year has been estimated for; and this may, perhaps, be the most convenient opportunity for me to refer to the Statement, which, as no doubt many hon. Members will recollect, was made by the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) last year with regard to the intention of the Government with respect to this reduction. The hon. Member stated that the Government had arrived at the conviction that a reduction, on a very considerable scale, was necessary; and he indicated a large reduction in the expenditure of borrowed money on Public Works, to which I will refer by-and-bye. But he also anticipated a further reduction upon other expenditure, amounting, I think, to something like £1,000,000. It is very difficult, from the form of the Accounts, to ascertain precisely how far that anticipation has been realized; but I do not think, though I fully admit the sincere desire which was entertained both by the Government at home and the Government of India last year, to effect reductions upon the Ordinary Expenditure—I do not think it will be found possible to make such reductions upon the Ordinary Expenditure as were anticipated a little more than a year ago by the hon. Member. It appears that something like a reduction of £400,000 has been made on the item of Public Works. I cannot speak positively; but, although in one exceptional year or two a reduction of that sort may

be made, still I am very much afraid that it will not be possible greatly to reduce the usual expenditure on Public Works; and a saving in one year is only too likely to be compensated for by the necessity for additional expenditure in another.

As to other economies in administration, I do not think that they can be estimated at more than £70,000; but this is a subject upon which, perhaps, it is more for the hon. Member for Mid Lincolnshire to speak for himself. I only refer to it, because I must say, so far as I am able to see, I am not sanguine, without an entire change of policy, that it will be possible to make any great reduction in the normal expenditure for the Civil administration of India.

Apart, no doubt, of the economies which I have mentioned, especially in Public Works, has been effected by the Local Governments owing to pressure applied to them by the Supreme Government—pressure to which they have most loyally responded, but against which some of them have, at all events, protested. In the discussion of the Budget of February in the present year, the Lieutenant Governor of Bengal protested against what he called the squeezing to which the Local Governments had been subjected by the Supreme Government, and disputed the necessity for it in the face of the flourishing condition of the Revenues of India. The policy of enforcing this reduction upon the Local Governments may be open to question in times when the financial interests of India do not absolutely require it; but I think that, in view of the revelations which have been subsequently made, the Local Governments will themselves be the first to admit that the necessity for at least the reduction demanded has been clearly established by the Supreme Government.

The hon. Member for Mid Lincolnshire spoke at the same time of the Commission which has been appointed to inquire into the organization of the Army, and to ascertain if it was possible to recommend a reduction of the Military Expenditure. That Commission has made its Report; and I need hardly say that, under the pressure caused by the War, both in India and at home, it has not been possible thoroughly to consider the recom-

mendations of that Report. A copy of it has been received; but the opinion of the Indian Government has not yet been communicated to me, and I do not think it would be of any use to enter into a discussion of the recommendations of that Commission at present. No doubt, the recommendations will have received the most careful consideration; but I must warn the House against any sanguine hope that large measures of economy in respect of the Army, and especially respecting the Native Army, can be immediately initiated, as it is evident that, after the severe strain which has been placed upon the Native Army by the War in Afghanistan, it will require very careful, very considerate, and, I may add, very generous treatment. As I have said, I give full credit to the late Government, both in India and at home, for a sincere desire to enforce economy, and to effect a reduction in expenditure. I give them the fullest credit for that desire. But I believe, as I think the hon. Member opposite has himself indicated, that the proposed economies cannot be carried to any great extent at present. If we are to look for any considerable reduction, it must be to agencies only of gradual operation, such as further decentralization, and the increased employment of the Natives of India. Some progress has been made in that policy, and it will be continued. But the immediate economy effected by it will, of course, be small, and it will only gradually be brought into operation.

Adopting the course to which I have before referred, and summing up the anticipated results of the year 1880-1, exclusive of the War, I find that the estimated charge for the War proper will be £2,090,000; the cost in respect of Frontier railways, £2,040,000; giving a total of £4,130,000. After making the necessary deduction of £600,000 on account of the railway and telegraph receipts, the amount remaining is £3,530,000, and the net result, but for the charge of the War, would be a surplus of £3,947,000.

Well, Sir, the results, then, are, that in the years 1878-9, 1879-80, and 1880-1, there would have been—that is to say, it is partly proved by the Accounts and partly estimated that there would have been—but for the War, surpluses of £2,610,000, £4,562,000, and £3,947,000, giving a

total of £11,119,000. Sir, it is quite true that those surpluses have been, in part, obtained by the new taxation which was imposed in the year 1877-8 for the purpose of creating what was called a Famine Insurance Surplus. The taxes imposed for that purpose produced in 1878-9, £1,228,000; in 1879-80, £1,184,000; and in 1880-1 are estimated at £982,000—the total amounting to £3,394,000. Supposing that the original purpose of the Government in 1878-9 had been carried into effect, and the sum of £1,500,000 had been annually devoted to the extinction of Debt, or to the construction of works which were supposed to be of an especially protective character against the occurrence of Famine, a sum of £4,500,000 would have been devoted to purposes of that kind; and the remaining surplus, over and above that which the Government in 1877-8 estimated as absolutely necessary to secure this insurance, would have been £6,619,000.

I do not intend to discuss on this occasion at any length the policy, which has been so frequently discussed, of this Famine Insurance Surplus. I fully admit that the fundamental idea of that policy appears to me to have been a sound one. It was that famines cannot be considered as altogether exceptional calamities, and must be expected to recur at uncertain intervals; and that the expenditure that was forced upon the Government of India by these constantly recurring could not be met without plunging the country more deeply, from time to time, into debt, except by securing a surplus in normal years amounting to at least £1,500,000, in addition to that surplus of £500,000, which the most ordinary financial prudence would indicate as the smallest which would show a satisfactory financial position. That seems to me to be a sound policy, to recognize that an occasional Famine charge is one to be provided against in ordinary years. But when we come to the measures proposed, the new taxes which were imposed, the provision which was made, the promises and engagements which were held out, I must say that the policy appears to me to be more objectionable. It seems to me to show the weakness of every plan ever invented for a Sinking Fund, and to have encouraged the delusion which is at the bottom of all these Sinking Funds, that it is possible by any arrangement, by any contrivance, by



any preconceived scheme, to pay off debt and to improve your financial position, while, on the other hand, circumstances, whether within your own control or not, whether justifiable or not, may be counteracting your Sinking Fund plan, and forcing you to borrow on the one hand more than you are saving on the other. It is true that Sir John Strachey maintains that the Famine Insurance policy has been completely successful, and he appears to think that it is sufficient to prove its success if he is able to show that the taxes which have been imposed with this object have been received, and that the retrenchments made for this purpose have been effected. The argument is that, but for the receipt of these taxes, and but for the economy effected, our financial position would have been so much worse; and that although it is not possible to pay off Debt, or to make protective works, as was intended, yet the Famine Insurance has answered its object by preventing by that amount the accumulation of additional Debt. I am ready to concede to him that, undoubtedly, our financial position would have been worse if it had not been for the imposition of these taxes and the enforcement of this especial retrenchment. The merits of the policy consist in the recognition of the necessity of an annual surplus; but it is my duty to show that during the three years of the existence of this policy an annual surplus has not been obtained, but that, on the contrary, there has been a deficiency. I am not going to enter into the question—whether for adequate or proper purposes or not—but as the recognition of an annual surplus is the basis of the policy, and as it has not been maintained, I must hold that the policy has not been successful, but has failed. I am not surprised, taking this view, that a great number of Natives of India are dissatisfied with the Famine Insurance policy, and contend that the licence tax ought to be remitted, because the special object has not been attained for which it was imposed. It is not my duty, on this occasion, to anticipate the Budget which will have to be brought forward next year by the Government of India and by the new Finance Minister. But the Viceroy and the new Finance Minister are of opinion that the time has come for a full review of our financial position,

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and that, if possible, a new departure should be taken in Indian Finance, both with regard to the liability entailed upon India by the recurrence of famine, and also from the point of view of the additional charge in which India may be involved as the consequence of the present War in Afghanistan. Under these circumstances, it would obviously be impossible for me to say one word which would indicate an intention on the part of the Government to remit any branch of the Revenue which appears to us to be so necessary as the licence tax at present is for the security of the financial position of India. The oppressive character of that tax has, I believe, been greatly mitigated by raising the minimum limit of incidence from 100 to 500 rupees. All I can say, at present, is that it does appear to me very strongly that if it is necessary, as I fear it may be, to continue that tax, the original intention of the Indian Government ought to be maintained; and I can see no reason why that original intention of extending it to official and professional incomes should not be carried into effect.

So far as I have at present proceeded, I have taken no account of the sums which have been expended in productive works, and raised from borrowed money. The sums expended in three years have been as follows:—In 1878-9, £4,381,898; in 1879-80, £3,564,140; and in 1880-1 the estimated cost of such works is £3,312,000. The total amounts to £11,258,038. I do not think the House will desire that I should explain at any length the policy which has been held to justify the Indian Government in borrowing money for productive Public Works. Certainly, in no country, as far as I know, have works of this class been constructed out of Revenue. In this country there has been an expectation of a return sufficient to secure the construction of works of public utility of this class by private capital without the assistance of the Government; but whether in India, if the Government had abstained from entering the field, capital could have been induced to enter upon it, and to create these works, it is no use for us to discuss at present. It is, I think, certain that Public Works, so complete as those which are now being constructed, would not have been carried out by any agency, other than that of the Government, and that, at all events, the

policy, once taken, seems to be one from which it is almost impossible to retire, and, whether right or not in the beginning, it is almost a waste of time now to inquire; but, no doubt, if there had never existed any probability that these works would ultimately become remunerative, there would have been no justification for constructing them from borrowed money, however necessary they may be both to the military security of the country and to open up the resources of the Empire. It would have been necessary either that they should have been constructed out of Revenue, or else that the construction should have been longer delayed. Although I still wish on this point to speak with some reserve, it appears to me that the productive Public Works' expenditure has for a long time been a very heavy charge upon the resources of India. The time is now very nearly arrived, if not actually, when the turning point has come, and when these productive works will no longer be a charge, but, on the contrary, may be expected to be a source of revenue to India. The House may like to hear what is the capital sum which has been spent in productive works. This includes the whole expenditure upon railways and expenditure by the Government upon irrigation works. The capital outlay on the East Indian Railway is, down to the Estimate for the present year, £31,691,000; on the guaranteed lines, £66,949,000; on the State lines, £26,554,000; giving a total of £125,194,000. Upon irrigation and navigation works there has been spent—upon State works, £13,168,000, and on the Madras Irrigation Company, £1,000,000; giving a total on irrigation works of £14,168,000, and a grand total upon productive works of £139,362,000.

I have already admitted that this expenditure has, for a long time, been a very heavy charge upon the resources of India; and, no doubt, if we were looking at this question as a mere matter of business, it might be right to add all the interest which has had to be paid to the capital sum I have mentioned. But I do not think it is necessary to look at it in that point of view, because the loss, whatever it has been, has been borne by India from the Revenue, and we are in possession of a property which has been constructed out of this capital, and I think it will be sufficient if I show to the

House what the estimated result of this capital will be in the present year. It is estimated that the receipts from railways, under which are included the net traffic receipts of the guaranteed lines and the gross earnings of the State lines, will, after deducting an accidental gain of £33,000 on the East Indian Railway this year, amount to £7,512,000; while the charges, in which are included the interest and surplus profits on the guaranteed lines, and the working charges of the State lines, will amount to £6,447,000; but to that has to be added the interest on the capital expended on the State lines, £1,157,490, giving a total of £7,604,490. The receipts from irrigation works are estimated at £1,383,000, while the charges of maintenance are £443,200; and the interest on the State works' expenditure £569,655; making a total of £1,012,855; and the net result as to the irrigation works is a surplus of £370,145, and on the whole productive works a surplus of £277,655. I admit that in that surplus on the irrigation works is included a sum which has been transferred from the land revenue. Of course, I am not in a position to state how far the transfer was a legitimate one; but I am inclined to believe that if the Accounts were accurately adjusted between the land revenue and the irrigation works, the former would very probably be found to owe a still greater amount to irrigation expenditure than is charged against it. This subject is so important that perhaps the House will allow me to put the case to them in a somewhat different form. The result of the system on which productive works are now constructed may be thus summed up. In 1868-9, the net charge on the Revenues of India for interest on Debt, interest and other charges for guaranteed companies, and working expenses and maintenance of State railways and irrigation works, was £6,859,000; in 1880-1, it will, according to the Budget Estimate, be £3,301,000, or, in other words, while there has been a capital expenditure of £37,000,000 on State works—down to the end of March, 1880—in 13 years, the net charge for interest on Debt has increased during that time by only £482,860; while the net receipts from guaranteed and State railways and other productive works have increased by £4,040,666, showing

a net improvement of £3,557,806. If allowance were made for this item of £703,000, to which I have already referred as credited to the irrigation works by the land revenue, the net improvement would be about £2,855,000.

The Select Committee which sat last year adopted the view which has already been adopted by the Secretary of State in Council, of fixing a sum of £2,500,000, as that which might properly be laid out each year from borrowed money in the construction of productive works. It has been held that this sum should be exclusive of any capital required for the East Indian Railway, which has only recently become the property of the State by purchase, and the Government of India have also been allowed to re-allot in the coming year any expenditure which was sanctioned last year, but not spent, so as to secure, on the whole, an average expenditure year by year. Thus the outlay provided for 1880-1 is as follows:—The general assignment is £2,500,000, for the East Indian Railway £630,000, and the unspent balance in 1879-80 £182,000; or a total of £3,312,000. The hon. Member for Mid Lincolnshire (Mr. E. Stanhope) referred last year to the reductions in the Public Works, consequent on this restriction of productive Public Works' expenditure. These reductions rendered necessary a diminution of Establishment, and offers were made to induce many of the civil engineers to retire; under the conditions offered, 243 civil engineers and 109 subordinate officers of the executive branch have retired, besides 42 from the accounts branch; the yearly saving of salaries is £247,500; but pensions amounting to £59,700 have been granted, and £266,100 paid for gratuities and capitalization of pensions. It is intended hereafter to resort more freely to the system of constructing works by contract, so as to avoid the necessity of increasing the Establishment. The saving produced by this reduction on the Establishment is one from which the Government of India has not hitherto derived much benefit; but the benefit, in years to come, will be a considerable one.

I have now, Sir, to turn from the results, I think eminently satisfactory results, which would have been achieved, as the Accounts and Estimates show, during the last three years, but for the

unfortunate expenditure caused by the Afghan War. Whether the House considers the policy of spending an annual sum on productive works from borrowed money to be sound or not, I think that a surplus of £11,000,000 of Revenue over Expenditure in three years is a result which does not indicate, at all events, an unsatisfactory position in India. But, Sir, as I have said, these results have been entirely vitiated by the War in Afghanistan; and I must endeavour to show, first, what was the expenditure estimated in February of this year as the cost of the War, the amount to which the Estimate has subsequently been increased, and the way in which, as far as I am able to say, this great error has occurred.

According to the system of Military Accounts in India, it appears that Military Expenditure is not included in the Accounts of the year until it has been audited and brought to account; and the result of that system is that the Military Expenditure of the last three months of the financial year usually remains in the Suspense Account, and is not brought into the Accounts until the following year.

Ordinarily, the expenditure of the last three months of one financial year is very much the same as the expenditure of the last three months of the preceding financial year; and, therefore, the accounts framed in this manner of the Military Expenditure are fairly, and, in fact, almost exactly, accurate. But in time of war, of course, this is entirely changed. In the first three months of 1879—the last three months of the financial year 1878-9—a very much larger Military Expenditure was incurred than in the corresponding months of the preceding year. Therefore, a very much larger amount of unadjusted advances was to be accounted for in the succeeding year than had to be carried into the Accounts of 1878-9. It appears that a sum of £2,300,000 ought to be added as the expenditure which was really incurred, as proper to the War, in the year 1878-9; that has to be added to the £676,000 charged for the expenses of the War for that year. Of course, the same thing occurred in the year 1879-80, and it occurred in an aggravated form; for, in consequence of the pressure of the War in all Departments, it appears that the

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audit of the Military Accounts fell into considerable arrear, and at the close of the year 1879-80 more than the usual three months of arrear of Military Accounts remained. Therefore, more than three months of Military Expenditure remained to be audited in the year 1880-1; and it now appears that, while £3,216,000 appears in the Regular Estimate as the War charge of 1879-80, a further sum of £3,200,000 has to be added as the charge actually incurred for the War in that year.

Further, the Estimate of charge for the War in India for the present year 1880-1 has been, as it is now admitted by the Indian Government, very greatly under-estimated. It is stated by the Indian Government that the Estimates for the past and present year have been based upon the audited expenditure of the cost of the War for 1878-9 and 1879-80, so far as it had been audited. That is the statement of the Indian Government. If that were the basis which had been taken, what I have shown is that it is insufficient and untrustworthy; but the examination I have been compelled to give to the Estimates, as framed by the Indian Government, does not confirm us in the opinion that any basis even so accurate as that was adopted by the Indian Government. They seem to have been satisfied to frame their Estimates on the basis of the Estimates they had thought sufficient for the last year, without making any inquiry whatever into the amount actually expended. As I have said, the Estimates for the present year were framed on a wrong and insufficient Estimate—as I think, not even upon such data as were available. The result has been that there is a great under-estimate in the expense of the War, which will fall within this year. To the £2,090,000, which was estimated in February as the cost of the War, the further sum of £3,500,000 will have to be added. I get, therefore, the following as a summary of the War Expenditure, taking the figures as presented in the Accounts and Estimates, with the additions for each year, which it is now found necessary to make, and the total results. The Accounts for 1878-9 show an audited charge of £676,000 for the War; to that it is necessary to add £2,300,000, giving a total of £2,976,000. For the year 1879-80, the Regular Estimates provided a sum of £3,216,000;

to that has to be added £3,200,000, giving a total of £6,416,000. For 1880-1 the Budget Estimate made provision for £2,090,000; to that has to be added £3,500,000, giving a total for 1880-1 of £5,590,000. The total estimated cost of the War in February last was £5,982,000. To that an addition of £9,000,000 has to be made, bringing up the total estimated Expenditure of the War to £14,982,000, or, roughly speaking, £15,000,000. If this War Expenditure had been known and calculated in each of the years, the finance of which I have been discussing, the year 1878-9, instead of closing with a surplus of £2,000,000, would have closed either with an equilibrium or a slight deficit; the year 1879-80, instead of closing with a small surplus, would have closed with a deficit of nearly £3,000,000; and the year 1880-1, instead of being estimated to close with another small surplus, would have closed with a deficit of about £3,000,000.

Well, Sir, I have already told the House how I arrive at the conclusion that, but for the War, an aggregate surplus of £11,119,000 would have been obtained in the three years under review. Taking now the Expenditure proper to the War at £14,000,000—and it is only estimated now at £14,000,000 instead of £15,000,000, because it is expected that the War will pay for itself to the extent of about £1,000,000, through the increased profits from the railways and telegraphs on account of the War—I have omitted this exceptional source of Revenue in calculating the surpluses, and, therefore, it is but fair to omit them also from the charge for the War;—taking, then, as I have said, the Expenditure proper to the War at £14,000,000, and the charge for Frontier railways, the greater portion of which is treated as War Expenditure, at £4,184,426, we get, as the charge incurred by the War, £18,184,426, and, deducting the supposed surplus of £11,119,000, we get a deficit on the three years of £7,065,000.

I have already stated how this enormous error of £9,000,000, on an expenditure now estimated at £15,000,000, has occurred. It has occurred, according to the statement of the Government of India, through taking the Accounts of a portion of the year as the basis of the Estimates. The despatch, which will be found in the further Papers presented

to Parliament on June 7 from the Government of India to the Home Government, gives us some reason to show why, even upon that inadequate basis, the Estimate which was framed of the cost of the War in the last and present financial year was a grossly inadequate one. Assuming, for a moment, that the Government of India were misled—as I do not think they ought to have been—by the untrustworthy basis on which they framed their Estimate, let us inquire for a moment whether there was not actually to their hands a more trustworthy basis on which to estimate. At pages 18 and 19 of the further Correspondence presented to Parliament relating to the Estimates of the War in Afghanistan will be found two statements appended to the Minute of Sir John Strachey, showing the actual disbursements from the Civil Treasuries to the Military Department in India, and at pages 6 and 7 of those Papers is a description of them by Sir John Strachey himself. He says—

“ I now invite attention to the two appended statements marked ‘ B ’ and ‘ C,’ being Returns of (B) the net Military Expenditure in India as recorded in the Finance and Revenue Accounts, month by month, from April 1869 to February 1880, which is the latest month for which the Accounts are complete, with an Estimate for March; and (C) the net disbursements from the Civil Treasuries in India to the Military Department, month by month, from April 1869 to April 1880. The entry for March is, however, only an Estimate. We know that the net amount disbursed in March was £2,082,500; but we do not yet know the sets-off still to come, in the shape of excess payments made during the year by the Military Department on account of the Civil Department, and the like, which still await adjustment in the Accounts of March; such sets-off will certainly be large. I have, therefore, entered £1,750,000. If these two statements be compared, it will be found that, until the end of 1877-8, the recorded net Military Expenditure was invariably more or less in excess of the net disbursements to the Military Department; the explanation of this excess is that, besides the sums withdrawn from the Civil Treasuries, the Military Department spends some portion of the departmental receipts, including money which it receives for remittances to families in England, and so on. Till the end of 1877-8, if allowance be made for the aforesaid normal difference, the two accounts corresponded closely; clearly, with a few appropriate adjustments, the Treasury accounts might till then have been substituted for the accounts of audited and classified Revenue and Expenditure, without substantial or ultimate inaccuracy; but apparently till the end of 1877-8 little would have been gained by such substitution. From the beginning of 1878-9, these normal conditions

were reversed, the net disbursements having, since the beginning of 1878-9, constantly exceeded the net recorded expenditure; and from October 1878 this excess became constantly larger and larger.”

He proceeds to show that, instead of the moderate excess of recorded expenditure over disbursements usual in the previous years, the net military disbursements from the Civil Treasury exceeded the net recorded Military Expenditure in 1878-9 and 1879-80 by £4,214,000. That, Sir, is the nature of the information as a basis of Estimate which was accessible to the Indian Government. Not until conviction was forced upon the minds of the Government of India that their Estimates were insufficient does it appear to have occurred to anybody to call for, or to inquire for, a Return of this description. That it might have been had, at any time, for use in the preparation of these Estimates is clear, because it has been obtained now. It was accessible then; but it does not appear to have occurred to anybody that the audited Accounts, much in arrear as they were known to be, did not form a proper basis for estimating the expenses of the War in which we were engaged. Sir John Strachey may be right in saying, as he does, at page 12 of the Correspondence, that the defect is due to the system of Military Accounts. He says—

“ To sum up the whole matter, the error in the Estimates is, in my judgment, mainly due, not to any misapprehension as to the extent or character of the military operations, but to the fact that we were ignorant of the actual current cost of the War. I attribute this ignorance mainly to the defect which I have described in the military accounts, which, although themselves perfectly correct, failed to give to the Government timely information of the Expenditure which was really going on. In this respect, the whole history furnishes a fresh illustration of the fact that, in regard to such matters as keeping accounts and framing Estimates, it is never safe to assume that the care and intelligence of individuals will afford sufficient safeguards against the dangers of a defective system.”

He may be right in placing the defect there. There may be something to be said in future as to the responsibility of the subordinates in the Military or Financial Departments. Both the system of Military Accounts, and the responsibility of those who are employed in their preparation, are the subject of inquiry now both at home and in India, and the responsibility, if responsibility is due to any subordinates, will, no doubt, be

brought home to them; but, whatever responsibility may rest upon any subordinate members of these great Departments, I must say that I cannot hold the Members of the Indian Government free from negligence in the preparation of these Estimates, and of something approaching to blindness in supposing, or in allowing themselves to suppose for one moment, that operations of such a nature, of such magnitude, in such a country, carried on for such a length of time, could possibly be conducted at such a trifling cost as they estimated. Let the House remember that, in February last, when these sanguine Estimates were framed in India and sent home, we had an Army in Afghanistan, or on the line of communication, of certainly not less than 60,000 men. A great part of that Army was operating at a great distance from its base, in a country where the difficulties of transport and the difficulty of obtaining supplies was great, and known to be every day increasing; while, at the same time, it was known that large sums were being constantly expended in subsidizing the different tribes on our line of communication, or in the neighbourhood of our operations. Under these circumstances, it was impossible to suppose that the War, even if concluded, as was hoped, in the present autumn, could be concluded and terminated at a cost to the Indian Exchequer of under £6,000,000. I am very far from imputing any motive to those who are responsible for the framing of these Accounts. Certainly, I am very far indeed from imputing any political motives in that respect. In the first place, I believe that the character of all those who were engaged in framing these Estimates was such as altogether to preclude the possibility of suspicion in that direction. But, if I allow myself to put that aside for one moment, and to put it on a much lower ground, I do not believe that anyone for political purposes would be guilty of an act of such gross folly as that would be. I do not believe that Lord Lytton, or any Member of his Government, was under the slightest impression that the result of the General Election would be that which it was. I do not believe that they were under any impression that there was any necessity, in order to secure a successful result, that a prosperous Indian Budget should

be obtained. At all events, there was a possibility that their friends would return to power; and I cannot imagine a blow more damaging to any Government than would have been inflicted if, during the tenure of power of that Government, disclosures of this nature and this magnitude had been made—disclosures which could not possibly have been long concealed.

But while, Sir, with the utmost sincerity and frankness, I abstain from imputing any motive of this kind, or any motives whatever, as the ground for this great miscalculation, I cannot help saying that it does appear to me that there has been, from the very commencement of this War, a determination which I must consider was reckless, if not deliberate, to under-estimate, not only in respect to finance, but in every other respect, the difficulties of the enterprise in which we were engaged. From the very commencement, and not in finance alone, the magnitude of the task has not been sufficiently estimated. I have stated the size of the Army now operating. So far as I am aware, no adequate reserve of British or Native troops for an Army of the size now operating under these conditions has ever been provided. From the very commencement it was assumed that we were engaged in an easy task. Lord Lytton assumed that the Ameer would receive his Embassy. When he refused, the invasion of Afghanistan was assumed to be an easy and simple task. Everything, it was supposed, would be satisfactorily concluded, after a short campaign, by the Treaty of Gandamak. After the massacre of Cavagnari, it was anticipated that it would be an easy matter to punish his murderers, and then to retire at once. At every step of these events, it seems to me that the difficulties in which we were involving ourselves have been either ignored or imperfectly appreciated. At the very moment when these sanguine Estimates were formed, in February of the present year, orders had already been given to General Stewart to commence to march with his whole division from Candahar to Cabul, and the Bombay troops which now form the garrison—I trust the adequate garrison—of Candahar, had been ordered to advance from India to replace the troops of General Stewart. Yet, when an operation of this magni-

tude was contemplated, it was fondly hoped that the War would be over in the course of this summer, and that the troops would be able to return to India. As I have said, I cannot think that the Members of the Supreme Government would wish to hold themselves free from responsibility. Lord Lytton, as everyone is aware, not on account of this matter, but on account of the absolute divergence between his own views and those of the present Government, resigned his Office at once. Sir John Strachey, feeling himself identified with the policy of Lord Lytton, at once followed his example. Sir Edwin Johnson, the Military Member of the Council, although, perhaps, he cannot be held responsible to so great an extent for a matter of finance, has, as the House will see from the Papers presented to Parliament, taken upon himself the entire responsibility. After reading the Minute of Sir John Strachey, contained in the further Papers, the House may be of opinion that Sir Edwin Johnson took upon himself a greater share of responsibility than properly rested with him. Still, I cannot acquit him of some responsibility for the preparation of these Military Estimates. In his responsible position he ought to have been the man, above all others, who could form some idea of what provision was necessary for so great an Army engaged in so arduous an undertaking. I cannot acquit him of want of foresight and want of prudence in allowing an Estimate so palpably inadequate, and held to be inadequate everywhere and by everyone except the Government, to be prepared. The present Viceroy having informed him that the Government at home could not refrain from visiting upon him some part of the censure they felt rested upon the Government, he has also resigned his appointment.

I now approach the question of Ways and Means for the present year; and here, again, I must confess I speak with a great deal of reserve, and even now it is not in my power to give to the House as full an explanation as I should have desired. The House will have understood, from what I have said, that the error in the War Estimates is not an error in Estimates of future expenditure only, but is an error in the calculation of past expenditure. Of the £9,000,000 of excess to which I have referred, it is asserted

that £5,500,000 has already been paid, although the Indian Government themselves were not aware of it. The obvious result would have been, one would suppose, that that excess of actual expenditure over estimated expenditure would have decreased the estimated balances; but the balance in India on the 31st of March 1880, which was estimated in February, before these errors were discovered, at 14 crores and 19 lacs of rupees, was only actually reduced in the result to 13 crores and 1 lac of rupees, so that the difference is only 1 crore and 18 lacs of rupees. How this difference between increased expenditure of £5,500,000 is to be reconciled with the actual reduction of balances of only £1,180,000 I acknowledge is even yet not absolutely clear; but I believe it may be accounted for by the fact—satisfactory in one respect, although unsatisfactory as to the system of finance of the Indian Government—that the estimated balances are framed by one Department, with the full knowledge, and in full view, of the condition of the balances as affected by the expenditure, while the estimate of military expenditure is framed by another Department upon a different basis. The difference is placed in what is called the Suspense Account, always very large, under the head of "Advances to Government." That ordinarily comprises the whole of the three months' expenditure, which, as I have endeavoured to explain, has not been audited and not brought to account. At all events, Sir, the Government of India have maintained, and still maintain, that the statement in this respect is an accurate one; and from the manner in which the errors have been discovered—namely, from an examination of the actual advances from the Civil Treasury to the Military Department—I think that it may be taken as a fact that this expenditure has actually been incurred, and that the balance of 13 crores on the 1st of April in the present year is a real balance, after the excess of expenditure to which I have referred. If that is so—and at the present time I have no other data to go upon—all that remains to be provided—always supposing that the Estimate made of the charge for the present year is ample—will be the £3,500,000 excess over the Estimate of £2,090,000. The loan which has been sanctioned for Productive Public Works,

*The Marquess of Hartington*

and which the House will remember in February of this year the Indian Government did not propose to raise at all, will produce 3 crores and 13 lacs of rupees. That sum, with the reduction of drawings by the Secretary of State in London for the Home Government from £16,900,000 to £15,000,000, which will give a relief of 2 crores 28 lacs of rupees, will raise the balance in India by 5 crores and 41 lacs. The balance in March, 1881, was estimated at 11 crores and 44 lacs; and by the loan for Productive Public Works, and by the reduction of the Secretary of State's bills, it will be raised to 12 crores, so that the Indian Government will, notwithstanding the expenditure which will fall upon them during the present year, be placed, at the end of 1880-1, in a slightly better position than was estimated at the beginning of the year. If the War, as is, unfortunately, possible, goes on, it will be necessary to provide additional funds; but there is no reason to doubt that the Indian Government will be able, if necessary—we trust it will not be necessary—to raise an additional loan. The estimated balance at home on the 31st of March, 1881, was £1,806,000. The reduction in drawings, which I have just mentioned, will, of course, absorb that balance, and assistance will be necessary; but the Government at home has power, if requisite, to raise £5,000,000 by loan. Looking, however, at the intended relief to be granted by the Imperial Parliament, to which I referred in answer to a Question some time ago, it is not now intended to make any permanent addition to the Indian Debt, and any assistance required will be of a temporary character. I said, on a previous occasion, that it is now impossible for the Government to make any proposition to the House as to the amount of assistance which we propose should be given to the Government of India. It is not possible to decide what the amount of that contribution shall be until we know exactly what the total cost of the War may be. If it were possible to make a final and reliable Estimate of the total cost, I do not think it would be desirable that we should name the amount of contribution we propose to make, until the Government, the new Viceroy, and the new Finance Minister have had time to consider in what form and manner the relief should be given; while it would be

obviously undesirable, until we are in a position to make a definite proposition to the House, that there should be any communication of the exact amount or the exact form that that contribution should take. But, although I cannot state at present either the amount or the form which it is proposed our contribution to India should take, I think I may say one or two words upon the policy of granting a contribution in aid of the Indian Revenue. The chief arguments against the policy of giving assistance to India are set forth, very forcibly, in Sir John Strachey's Financial Statement made in February last, and they are pretty well summed up at page 10 of that Statement. There he said that the loss by India of her financial independence, and the acceptance by England of financial responsibility for her Indian Empire, would signify to India the loss of control over her own affairs in every Department of her Administration, and the substitution of ignorance for knowledge in her Government. I should be very much disposed to agree with Sir John Strachey if I thought that assistance from Great Britain could only be purchased at the price of additional interference by Parliament or the British Government in the internal administration of India. I think only extreme financial necessity can justify such a step; and I do not think the Statement I have made makes out any case of such financial necessity as would justify it. I do not think that anything which is wrong, or which is amiss, in the Government of India will be amended by increased interference by Parliament, or by our administration. I am aware that many Members point to the personal and bureaucratic form of the Indian Government; but I believe the remedy will be found, if a remedy is to be applied to a position of that kind, not in the increase of interference by Parliament, but rather in offering additional inducements and facilities to unofficial opinion in India, whether foreign or Native, to take a part and a greater interest in the affairs of the Government, and to come to their assistance. It is not, therefore, with any intention or idea of further internal interference in the administration of India that help would be given. That help ought, in my opinion, to be given unconditionally, and not as a matter of



charity, but simply and purely as a matter of justice. It seems to me that in this case Sir John Strachey's argument falls to the ground, and that it will be in the power of every one of us to decide for himself, according to his own convictions, whether, to use again Sir John Strachey's words—

"The War in Afghanistan does or does not fall precisely within the category of wars which have been entered upon in defence of no Indian interest whatever, but in furtherance of the so-called Imperial policy adopted by Her Majesty's Government."

Sir John Strachey and the Government of Lord Lytton hold one opinion; we hold the other. We hold the opinion that this War cannot be said to have been entered into for the sole benefit of India; but was entered into for the furtherance of an Imperial policy. The matter presents itself in this way. This policy was initiated by the Government at home, in opposition to the opinion and the advice of those who were at that time responsible for the Indian Government. It was persisted in by the Government at home, and in that action they were supported by Parliament. The consequences of that policy, whatever may be thought of them in other respects—and I am not going to enter into that point now—must be admitted to have been financially disastrous to India. It seems to be, therefore, not a matter of charity, but a matter of justice, that the British Government and the British Parliament, and the British nation, which supported the Government in pressing this policy and its financial results upon the Government of India, should be held responsible, and that upon this country should fall some share of the cost of that policy which it supported.

It is usual, on these occasions, to give some account of the progress of commerce in India, and I will tell the House, very briefly, what has been the progress of trade in India for the last year. The import trade shows a revival in 1878-9 over the depression of the previous year. The total imports of all kinds in 1878-9 were valued at £44,000,000, and in 1879-80 the total value was £52,000,000. The value of the exports in 1878-9 was £64,000,000, and of those raised in 1879-80 £69,000,000.

I am afraid I have detained the House for a very long time; but before I sit down I will state, in one

or two words, the impression that the general review which I have been enabled to make of Indian Finance leaves upon my mind. It seems to me that the large surplus of Revenue over Expenditure, apart from the War, shows a decidedly satisfactory financial position. I think, perhaps, the most satisfactory feature of that position is the increasing productiveness of Public Works to which I have referred. That is the most legitimate and most satisfactory feature in the situation, for it shows not only the financial position of India, but it shows also its industrial position. But, while there is this improvement, there is also much that is unsatisfactory, apart altogether from the extraordinary War charges. A Revenue which depends so largely on so precarious a reserve as the opium traffic cannot be considered to be in a secure position. As I have pointed out, the Indian Government have estimated their receipts from that source at very much below what has been obtained in recent years; but, still, the Estimate is larger than any ever previously taken, and the Government of India have been informed that they are now relying more than is safe upon an item of Revenue which is so uncertain as this. That which must strike everyone who has given the matter any attention at all is that India has no reserve, no great reserve power of taxation. In India there is no tax like the Income Tax, upon which we can fall back in times of emergency, whether of war or of famine, and from which we can draw almost unlimited assistance. If increased Revenue is required in that country, it must be obtained by the imposition of new taxes, and by imposing new burdens on the great mass of the people, who are scarcely able to bear any more taxation. Again, Sir, it is unsatisfactory to consider the yearly increasing amount of the Home Charges. In 1870-1 the amount required for this purpose was £9,500,000; in the year 1879-80 it was £17,290,000, and in the present year it is estimated at £16,900,000. However necessary may have been the object for which this expenditure has been incurred, a drain of this magnitude from the resources of India, which is not, like the interest on the National Debt, paid to the inhabitants of the country, and spent in the country, but in its nature is more of a forced tribute, cannot but inspire any-

body who is responsible for the finances of India with anxiety. Not only, as I have said, is it a drain upon the country, and not only are these large sums spent annually out of the country, but the increasing amount of these charges has a continually disturbing effect upon the exchanges, and tends to disturbances of a grave nature in the trade of India. I have no panacea to propose for this unsatisfactory condition. The lesson to be learnt seems to me a very simple one. It is, that we should spare no effort, while the Revenue is prosperous, to secure annually a substantial surplus; and, above all, the lesson is that we ought to avoid all unnecessary sources of expenditure. I do not doubt for a moment the ability of India to defend herself in times to come, as she has done in times past, against any dangers, external or internal, with which she may be threatened. But I think that India ought not to be called upon to do more than provide for her own security; and if she is to take part, or is to be called upon to take part, in great schemes of Imperial policy, on the merits of which I will not now express any opinion, then I think that Parliament and the country ought distinctly to understand that, whatever assistance India may render us in men or in Imperial resources, sooner or later it is on this country that the financial burden will have to fall, and that India cannot be, and ought not to be, expected to pay the cost of that Imperial policy.

Sir, I am aware that there are many subjects which ought to be referred to by the Indian Minister in a Statement of this kind, which are as interesting, or which are more deeply interesting, to many who are acquainted with India than the mere financial condition of the country. It is asserted by many who have a right to be heard with respect that there is much that is unsatisfactory in the agrarian and social condition of some districts of India. It is not possible for me, in an address of this kind, to express any opinion of my own on these difficult problems. The House will readily understand that coming, as I have done, only recently into the administration of this difficult Office, and having had some difficulties of a somewhat unusual and exceptional character upon my hands, I have not had much time to study

these extremely complicated and difficult problems. Under any circumstances, I do not think that after three months' experience I should venture to intrude my views upon the House. But, Sir, I may state that I am aware that there are many of those in office in India whose minds are not so completely absorbed, as is sometimes supposed, in the routine of the official duty of their offices, that they do not keep their attention constantly fixed on these great and all-important questions. It may be that we have made changes in the laws, and with respect to the tenure of property in India, which have gone somewhat beyond the wants, the necessities, and the customs of the people of that country. It may be that we have adopted, rather too freely, our own views upon those questions, and have not always sufficiently considered the habits and customs of the people. Sir, these subjects are at this moment under the consideration of many of the ablest servants of the Indian Government. They have not occupied so much the attention of the Indian Government itself as could be desired during late years, and I think the reason is obvious. During a period of war it is impossible that the energies of almost the whole Government should not be absorbed in meeting the pressing necessities of the hour; and they have but little time to devote to those equally, and perhaps more, important questions affecting the well-being and prosperity of the people. I can only say, then, in reference to these subjects, that I trust it will be my duty, or the duty of whoever may succeed me in this Office, on a future occasion, to be able to devote a larger portion of this Statement to matters affecting the internal condition of India and the improvement and progress of its people; and I believe that the energy and ability displayed in our Indian Empire will not fail to eventually secure the happiness and prosperity of that great country.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the Chair."—(*The Marquess of Hartington.*)

Mr. OTWAY, in rising to move, as an Amendment—

"That the public expenditure in India and the charges on the Indian Revenues defrayed in England are excessive; and that, in the in-

terests of the people in India, it is desirable to effect a prompt and large diminution of such expenditure."

said, that the deception which had some time ago been practised in regard to Indian Finance had tended to shake the confidence of the House and the country in all financial accounts which came from India; and he should be glad to hear what answer the late Chancellor of the Exchequer and the late Under Secretary of State for India had to make on that subject. A more fatal error in policy was never committed than when a policy, directed by a supposed antagonism between this country and Russia in the barren steppes of central Asia was carried to a result which the greatest enemy of this country would most heartily wish, and the greatest friend of Russia could most heartily desire. He thought it most inconceivable that the late Government could have been misled to the extent of supposing that the campaign in Afghanistan could be carried on for anything like the sum they had named, having the experience of the former war in that country before them. So far from £15,000,000 being the price which they would have to pay for the War, he had no hesitation in saying, after consulting with those who were qualified to form some opinion upon it, that the sum would be much nearer £20,000,000. His noble Friend had given the House an able and lucid statement as to the finances of India; and he rejoiced that so important and so responsible a Department of the State as that now intrusted to his noble Friend had been committed to his hands. During the last 15 years the Revenue had doubled, but so had the Expenditure, and that, he considered, was a very serious matter. His noble Friend had alluded to the large increase in Home Expenditure, which had grown from £3,000,000 or £4,000,000 to nearly £17,000,000 a-year, and there was no doubt the latter sum inflicted a great burden on the people and finances of India, which was greatly augmented by the depreciation which had taken place in the price of silver. What appeared to him the most serious part of the financial condition of India was this—that there was no means of obtaining relief by an augmentation of the Revenue. Neither the land revenue nor the opium revenue could be increased, and taxation

generally had reached its utmost limit. If that was the case, where were they to look for those alleviations of taxation which were necessary? They were to be found in one way only—in a large reduction of expenditure. Nearly a quarter of a century ago he joined with the right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) and others, and founded an Association which endeavoured to promote economy in India. All the propositions they made to the House of Commons were derided and denied at the time; but, with a single exception, every one of them had since been carried out. The reductions he proposed depended entirely upon that which his noble Friend called an entire change of policy. He did not mean a policy of peace as against war; because he did not suppose that any Government in their day would attempt to repeat the folly which had been recently committed with regard to our Indian policy. The change of policy which he meant was with reference to our Military Expenditure in India, and the change that was necessary was a large reduction in that expenditure. Such a reduction, he maintained, was quite compatible with the safety of our Indian Empire. There must also be a large admission of the Native element into the government of the country. The European element which would proceed from this country to govern India must be made aware that the circumstances of the Service in India had so altered that the salaries paid must be consistent with the improved condition of things. They must have that which was most important of all; they must abolish the useless Governments of Madras and Bombay, and do away with the unnecessarily high military office of the Commanders-in-Chief in Bombay and Madras, and they must put those inferior Presidencies on the same footing as the North-West Provinces, and govern them by Lieutenant Governors or Commissioners, by which an enormous saving would be obtained. With regard to the Army, the expenditure had grown to an enormous excess over that upon any part of the Service. He had the opinion of those who had filled the highest offices in India, and who had given their opinion when India was passing through a very critical period. After the suppression

of the Mutiny, Lord Canning said that the whole expenditure necessary for the Army in India ought not to exceed £12,000,000, and Lord Northbrook said £14,000,000 would be sufficient; but now it exceeded £17,000,000, and, with the extraordinary expenditure, it would reach £18,000,000 or £19,000,000. What conceivable advantage could there be to the State or to the people of India that there should be a Commander-in-Chief in Madras and another in Bombay, each surrounded by a most expensive Staff? This new military organization would effect a saving of £100,000 or £200,000 a-year, and it would be carried out at once by any other European country but our own. It was not the actual pay of the Commander-in-Chief, but the useless Staff and paraphernalia with which he was surrounded, that added so much to the expenses of the establishment. It was true that while we were engaged in a disastrous war in Afghanistan was not a time to urge a large reduction of the *personnel* of our Army in India; but it was right that hon. Members should remember that the number of our European Army there depended upon the number of Native troops maintained by the Native Princes; and if it were not for the Native Armies maintained by Scindia, Holkar, the Nizam, the Guicowar, and the Maharajah of Cashmere, we should be able to maintain a much smaller force. We should proceed by diplomacy, and, first of all, insist upon a fulfilment of the Treaties with them. It was said that, in some instances, these Treaties were evaded, and that Scindia had done with his military force as Prussia did after the Battle of Jena, and passed great numbers of men rapidly through the ranks. Their position with reference to the Natives was an all-powerful one, and he thought they should use it to a good purpose. They were in a condition to tell the Native Princes that the Military Forces were too large, and to insist upon their being reduced. The moment such a reduction was effected a great benefit would be conferred both upon the subjects of those Princes and upon our own subjects. A policy of boldness in that respect would be a wise policy; such a course would be an enormous economy. Another point he wished to insist upon was the enormous expenses incurred by the country in re-

spect of the changes of residence from Calcutta to Simla by the Viceroy. Formerly the Governor General resided in Calcutta all the year, with the exception of about two months. Now he resided at Simla all the year, except about two months at Calcutta. As soon as he left Calcutta all, or nearly all, his expenses were thrown on the Exchequer, and did not come out of his salary of £30,000 a-year. Similar remarks might be applied to a smaller extent to the Governors of Bombay and Madras. The policy he advocated would effect a saving of £9,000,000 or £10,000,000 a-year. He thought, also, there ought to be a thorough reform of the Civil Service. The whole conditions of life had been altered since the Civil Service system and the salaries paid to Civil Service servants were first organized. It was then necessary to offer great inducements to obtain competent persons for the Civil Service. Life in India then involved a complete separation from their homes; now it was far otherwise, and it was possible to employ so short a period as two months' holiday in coming from India to England. Besides, the work of Civil servants could be done as efficiently by Natives, at a cost two-thirds less than was incurred under the present system. There had also been a needless expenditure, which might even be termed reckless, in the purchase of waterworks. It was said that the late Government were defeated in consequence of their Water Bill; but in Orissa, waterworks, whose shares were only £60 in the market, were purchased at the rate of £100 per share. Information on this subject was to be obtained from the admirable work of the Postmaster General, a work which all should study who wished to see how money was squandered in India. Passing by other instances of extravagance, he must ask the House to bear in mind the immense losses caused to India by the improvident manner in which loans were contracted. Mr. J. P. Mackenzie, of Kintail, in a letter to the Prime Minister, had shown that, with regard to the £17,000,000 loan issued in 1880, a saving of £200,000 might easily have been effected if steps had only been taken to lead to the formation of a syndicate to take up the stock. With regard to the £3,000,000 loan, a great blunder had also been committed in the institution of coupons payable to bearer.

In consequence of this, but very little of the loan was subscribed in India, and nearly the whole of it was taken up by a syndicate of Paris bankers, with great profit to themselves, the loss to the Indian Exchequer being between £400,000 and £500,000. His noble Friend had shown that the charges on the finance of India were excessive, and had promised to diminish them; but had he the power to effect such a diminution as would bring about contentment in India? He sincerely trusted it might be seen that he had that power; for if they pursued a policy of reckless extravagance, of disregard of Native sentiment, and of unnecessary luxury, it would be impossible for them long to preserve their glorious Indian Empire. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "the public expenditure in India and the charges on the Indian Revenues defrayed in England are excessive; and that, in the interests of the people in India, it is desirable to effect a prompt and large diminution of such expenditure,"—(*Mr. Otway*,)  
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

**MR. E. STANHOPE:** The statement to which we have just listened from the noble Lord the Secretary of State for India will be all the more re-assuring to the people of this country from the moderation of the terms in which the noble Lord expressed himself. In dealing with Indian matters we are always in danger of running into one or other of two extremes—either we are in a state of unreasoning apprehension, or we find ourselves in a condition of tacit acquiescence which is not far removed from apathy and neglect. I have, therefore, heard with great satisfaction the statement of the noble Lord to-day; for, although he expressed himself with a caution which was fully to be expected, he proved that, putting aside for a moment the extraordinary expenditure of the Afghan War, the general condition of the finances of India is undoubtedly prosperous. Having heard his speech I could not be expected not to refer to the statements of a few months ago,

often made by people who ought to have known better, that the late Government had managed somehow or other to plunge the finances of India into great confusion. I hope that now, at any rate, we have heard the last of that, and that we shall be able to discuss the state of Indian affairs in an unprejudiced manner.

I think it best to allude at the outset of my observations to a topic which has been receiving great attention in the last few months—I mean the insufficient Estimate for the War in Afghanistan. It was my duty, not long ago, as representing the Government of India, to explain certain Estimates which were put forward by the Government of India as representing the cost of the Afghan War. Well, it unfortunately turned out that these Estimates were not only utterly inadequate, but were so completely out of proportion to the real expenditure as to make it difficult to understand how, under any system at all, so gigantic a blunder could have been perpetrated. I certainly am not going to extenuate or defend that blunder. It was not only a mistake of prospective Estimates, but it showed ignorance of past expenditure; and I attribute it mainly to the present method of estimating the cash balances, which has, on former occasions, also led us into difficulty. The noble Lord has not attempted to apportion the blame for this blunder among those upon whom it must ultimately rest. He awaits the results of further investigation. I can only follow the example of the noble Lord in that respect. One word only will I say with reference to Lord Lytton. No man in this country is more pained than he has been at the mistake that occurred, for his Government have been, undoubtedly, the means of misleading the people of this country; but, on the other hand, it is fair to remember that he and his Government were equally misled themselves. I cannot but deeply sympathize with one who, at the close of his career in India, in the course of which—in conjunction with Sir John Strachey—he has rendered financial services to India which the calmer judgment of a few years hence will lead the people of this country adequately to appreciate, has been startled by the discovery of a mistake for which he and his Government are undoubtedly responsible, but which came upon him and them as a complete surprise. I have

*Mr. Otway*

seen it suggested, in some of the newspapers, that there was something very suspicious about the way in which the last Budget Statement of India was hurried forward. It has been suggested that it was hurried forward in consequence of some knowledge in reference to the date of the Dissolution which was likely to take place. As to that, I can only say that neither the late Viceroy, nor any Member of his Government, knew more about the prospect of an immediate Dissolution than any ordinary Member of this House; and this can be proved by the fact that notice of their intention to take the Budget at a somewhat earlier period than usual—in fact, about the middle of February—was given to us some six months before the statement was actually made.

But, as regards the position of the late Government in this matter, I have a few words to say, because it has been very much misrepresented. If this were a mere personal matter it would be of no importance. But a much larger question is involved; one that goes to the root of all Ministerial responsibility, and that is that this House should always be thoroughly satisfied that in any statement made by any Minister of the Crown nothing is put forward which is not absolutely justified by the information then at his disposal, and nothing kept back which is requisite for a clear understanding of the whole case, and can be told without injury to the Public Service. This is due to the House and to the country, and perhaps especially to those who, sitting on our own side of the House, gave us, on the faith of our statements, a constant and unswerving support.

I dare say that many hon. Members of this House are not aware that the financial control of India does not rest with the Secretary of State. The law rests it absolutely in his Council; and, therefore, all information, including all telegrams, relating to the cost of the War and other financial matters, are at once, and as a matter of course, referred to the Finance Committee of the Council, who hold special meetings whenever it may be necessary. These meetings are attended by the five Members of the Council nominated to serve upon it, by one or both of the Under Secretaries of State, by the Financial Secretary, and, during the last few months, by his Pre-

decessor also, the present Assistant Under Secretary of State, for 50 years connected with the Department. This Committee drafts the answers to all telegrams and letters, and suggests any further orders or inquiries that may be necessary. Their suggestions are submitted to the Secretary of State, and afterwards, if time admits, receive the approval of the Council as a whole. And, therefore, to talk of secrecy, or of any attempt, or the possibility of any attempt, at keeping back financial information for political purposes, is to show an imperfect acquaintance with the manner in which the business of the India Office is conducted; and, also, whether the view taken of these Estimates was wrong or right, it was that taken by all of those responsible for the financial administration of India. And I hope that the House will keep clearly before it what war expenditure really means. It is, of course, not the whole cost of the troops in the field; but the excess of that cost over and above their normal cost in time of peace. Now, these are just the items upon which it is impossible to form a reliable opinion in this country, the price of food ranging in different localities to an almost incredible extent, and the cost of transport suggest themselves at once as items as to which no opinion formed in this country can be worth much. Upon such points the India Office must continue to rely upon the information which reaches it from India.

After the renewed outbreak of war in Afghanistan, occasioned by the massacre of Sir Louis Cavagnari, the first estimate of its cost which reached England was that made in India in December last. But on the 24th of February this Estimate was superseded by the publication of the annual Budget Statement, the text of which was not, however, received in this country until after the debate in this House on the subject. This statement showed, what is not now disputed, that there was a very considerable improvement in the general financial prospects of the year, and contained what professed to be a very careful estimate of the cost of the Afghan War, past and future. Put very shortly, it amounted to this—that the first Afghan War, brought to a conclusion by the Treaty of Gandamak, had cost £2,676,000; and that the second Afghan

War, still unhappily proceeding, would cost £3,806,000. Now, what view ought to have been taken in England of these figures? It is very easy indeed to be wise after the event. It is very easy to say that the error might have been foreseen from the first; or, at any rate, that subsequent information might have given warning. But I will ask the House to try for a moment to put themselves in our position, and calmly and impartially to consider these figures. In the first place, there was nothing unreasonable on the face of them. It was quite true that more troops were being employed than had been in the field this time last year; but, on the other hand, it was understood that the loss of beasts of burden was considerably less, and the means of transport had been already and were daily being improved. The noble Lord (the Marquess of Hartington), indeed, has suggested that the late Government and the Government of India have throughout shown a disposition to underrate the importance and to minimize the difficulties of the War in which they were engaged. But I recollect that last year only, when we thought it right to propose a Vote of Thanks to those who had carried the War to a successful conclusion, and based it upon the importance and difficulty of the War, neither the noble Lord or any hon. Members on the other side of the House supported that view, but gave it, on the contrary, a very strenuous opposition. Secondly, they were confirmed by the accuracy of the previous Estimates, so far as the facts had then been reported to us. Let me ask leave to verify that statement very shortly. The first Estimate of all for the cost of the Afghan War was made in December, 1878, when it was stated that the sum to be charged to the financial year 1878-79 would be £940,000. In March, 1879, the Financial Statement for the year was published, and it then appeared that the charge for the year 1878-9 which could be brought into the Accounts of that year was taken only at £670,000. The accounts which we received in March of the present year showed that the actual gross expenditure for 1878-9 (no longer estimated, but, as we were told, realized) had turned out to be £676,000, showing a singular approximation to the anticipation of the previous year. This remarkable result

appeared to be, so far as it went, a strong confirmation of the accuracy of the Indian authorities. With regard to the financial year 1879-80 the case was as follows:—The Financial Statement for that year, which was made, as the House may recollect, two months before the conclusion of the Treaty of Gandamak, estimated the cost of the War during that year at £2,000,000. Then we heard of a great loss of baggage animals, and of other possible causes of expenditure. But in the Financial Statement for 1880-1 we find this remarkable statement made by the Finance Minister in the presence of the Legislative Council—

"The original Estimates for 1879-80 provided for an additional military expenditure of £2,000,000 for the War with Afghanistan. If the War had ended with the Treaty of Gandamak, I believe that this Estimate would not have been exceeded."

If the House has followed me so far, it will, I have no doubt, be of opinion that our previous experience did, therefore, furnish considerable confirmation of the Estimates before us. They were indorsed by all our information of a private character. They were Estimates for which the Viceroy and his Council were collectively responsible, which were prepared and, as it might have been supposed, checked in every detail by competent authority, in order to be incorporated into the annual Budget Statement, the most important and solemn act of the financial year. Everything about them seemed to indicate the complete and honest belief of the Government of India in their correctness, which, no doubt, that Government entertained. So satisfied did they appear to be of their sufficiency that they remitted certain export duties; they definitely abandoned the scheme which they had proposed, and which my noble Friend (Viscount Cranbrook) had heartily accepted, of extending the licence tax to the official and professional classes; they utterly refused, at any rate for the time, to borrow anything at all, and they expressed a confident belief that there would be no need to do so even for the prosecution of their Public Works. So little did they appear to anticipate any financial embarrassment that they pressed forward all payments that were becoming due; and they pushed on, at enormous cost out of their ordinary resources, an extended system of Frontier railways. And,

last of all, it was an Estimate made with full knowledge of the military programme of the War to be pursued in the coming year. And the House will find in a telegram of June 7 an admission that, except as to the extent of the local failure of crops, all the causes which were at first put forward to account for the grave mistake in the Estimates were known and ought to have been considered in framing them.

But then it has been said—"Why were you not warned by the specific statements of the present Prime Minister upon the subject?" Well, let us see what they were. It is absolutely necessary to examine them very briefly, although I can assure the House that I am not going to allude to them in any controversial spirit. The allegations to which the right hon. Gentleman gave circulation in Mid Lothian were two—the second being, in fact, brought forward in proof of the first. It alluded to the depletion of stores in the arsenals, and was sufficiently dealt with in the debate of March last. But the first was a general charge against the authorities in India, of having deliberately cooked the military accounts, in order to conceal the real cost of the Afghan War. It cannot be denied that this was a charge of the most definite, and of the most serious, nature. It was one which, for the character of our Indian officials, absolutely required an answer, if it could be given. And when some of us are said to have expressed ourselves with some warmth on the subject, I confess that I should have been ashamed of myself, as representing the Government of India in this House, and as bound in honour to defend, where we honestly felt we could defend, the credit of our public servants in India, if I had not repelled the charge as one which every scrap of our information, and our estimate of the character of the men with whom we had to deal, compelled us to disbelieve. That allegation was made at the end of last November. It referred not to prospective Estimates, but to past Expenditure. It was one easily capable of examination and refutation in India, but not here. It reached India before Christmas, and all I have to say upon the subject is that every statement, indeed every particle of information, which reached us, officially or privately, during the last Parliament

—although the Estimates had twice undergone, we were told, a careful revision—was in direct contradiction of it. And the speech of the Viceroy himself, the telegraphic summary of which reached us before the debate in this House on the 12th of March, dealt at some length with the subject, and indignantly repelled any such idea. And, therefore, in speaking on that day, knowing that the allegation was being—I do not for a moment say unfairly—used for Party purposes all over the country, I took the opportunity which naturally arose of again denying it on the authority of the Government of India.

But it is said, further, that our eyes ought to have been opened by the telegrams which we received in March about the reduction of our drawings upon India. This is somewhat a technical subject, and in endeavouring to make it clear I run the risk of exhausting the patience of the House; but it has been much misrepresented, and is essential to a clear understanding of the position. The whole amount required for the service of the Home Government is drawn by bills upon India sold weekly, but varying in amount at different periods of the year. The India Office endeavours so to adjust that amount as that it may be largest at the time of year when the export trade of India is at its height, and when, therefore, there is most demand for means of remittance to India, and the bills themselves can be sold at a better price; and smallest in the autumn, when, as experience has shown, the demand falls off altogether. But that course is not always equally convenient to the Government of India. Sometimes they press more money upon the India Office at unsuitable seasons, and sometimes they are unable to meet the drawings at suitable seasons. The result is that there is often a conflict of view as to their increase or reduction. In the present year, it originated in the belief which the Government of India, not unreasonably at the time, entertained that the total amount of drawings estimated by the Home Government to be required for the service of the year 1880-1 was in excess of their actual necessities; and they urged upon the Secretary of State that if he could see his way to reduce his drawings, they, on their part, would certainly not have to incur any Debt in India during the year. For reasons



which it is not now necessary to mention, this was refused; and it being the height of the export season, drawings were continued at the rate of 45 lakhs weekly. But when a third drawing at this rate was announced for the month of March the Government of India resisted, and represented, truly enough, that this was done without any previous notice to them. Then arose the old controversy. On the one hand, the Government of India urged that some of the drawings of the Home Government should be postponed until the autumn, when their cash balances would be better able to meet them. On the other, the Secretary of State pointed out that, from past experience, he could not reckon on recouping himself in November for deficient drawings in March; and that, rather than diminish them, he would urge their borrowing in India, either temporarily or permanently, to replenish their cash balances. That was the whole object and effect of these telegrams. They were not of a very unusual character; they had a definite object, and there was nothing in the world to connect them in any way with any miscalculation of the cost of the Afghan War. In this respect they caused no special anxiety at the India Office. Up to the time of the Dissolution of Parliament I constantly attended the meetings of the Finance Committee at the India Office. I conferred daily with the experienced permanent officials there, and from none of these sources did I ever hear the suggestion that these telegrams in March were connected with any excess of expenditure such as has now been ascertained. The reason why these telegrams conveyed no alarm to us in this respect was that they were not intended to convey any. The Government of India itself at that time felt no alarm. Whether they investigated the matter with sufficient promptitude or not may be a matter of opinion; but the fact is that they believed that the increased outgoings for the War were of a temporary character, and only important as occasioning inconvenience in meeting the drawings from England.

And now I would make an appeal to the noble Lord. He has, with great fairness, included among the Papers a Minute written by me just before I left Office. But I am not the only person responsible. And I would, therefore,

ask him whether he could not, in the next batch of Papers, in justice to the Financial Department of the India Office, furnish any Minute or Report which may have been made, setting out the view which they took of these telegrams at the time that they were received.

I come now to the effect which the cost of the War has produced upon the finances of India. Let us for the moment put aside altogether the question of assistance from England to India, and consider how the cost has been met by India alone. The War has extended over three years, and I understand that its total net cost has been now placed at: £14,000,000 during those years, besides £4,000,000, at least, expended upon Frontier railways, making a total of over £18,000,000 that has had to be provided over and above ordinary expenditure. Now, on the other side, I find that, including the loan that would be necessitated in England by the reduction of the drawings which the noble Lord announced some time ago, the total borrowing during the three years would have been £18,000,000 also. But of that amount, no less than £12,000,000 have been expended upon productive Public Works, or in loans to Municipalities or Native States; or, in other words, were not incurred for war purposes. So that we arrive at this remarkable result—that the total net increase of debt occasioned by the war expenditure of the three years has only been £6,000,000, and the whole of the rest of the amount required has been paid out of ordinary income. Even then I am hardly stating the case fairly, because no one could have complained if the sum expended upon Frontier railways, which were necessary whether the War had occurred or not, had been excluded from this calculation. Now, supposing that England, in a great war, costing £18,000,000 sterling, had found it necessary only to borrow one-third of that amount, and had paid the rest out of ordinary Revenue, would anyone have said that any very alarming state of things had been disclosed? And when we come to India, I do not see why the same conclusion should not be drawn. But, in addition to that, we are told that England is to come to the assistance of India, and is to contribute a solid and substantial share of these expenses. The position of the late Government with regard to this question was very simple.

*Mr. E. Stanhope*

We had to deal with a state of things when the whole amount estimated for the War was less than £6,000,000, and even that amount was to be spread over a period of three years. Looking, therefore, to the financial condition of India, and to the great interest which, in our opinion, India had in this War, we felt that we ought to hesitate long before we departed from the sound principles which have hitherto governed the relations between England and India; and all the more, because the Government of India had unanimously come to the decision that no assistance was needed. We believed it to be essential that, except in very special circumstances, we ought to prevent India from becoming a financial burden to this country, and that the moment India was felt by the people of this country to have become a burden, the relations between the two countries must necessarily undergo serious modification. We believed, further, that the only real guarantee for economical administration was the knowledge on the part of those charged with the Government of India, and the direction of its policy, that, after all, they would have themselves to bear the cost of it. But the noble Lord (the Marquess of Hartington) has given us to-day some very strong reasons for an opinion that this War is entirely Imperial in its character, and that it was undertaken, not for Indian, but for Imperial objects; and then he comes, after all, to the somewhat lame and impotent conclusion that England is to pay some part of its cost. The logical conclusion from his argument is that England ought to bear the whole of it; and all the more, because I recollect that when, two years ago, the total cost of the War was estimated at £1,000,000 only, the noble Lord and his Friends spoke and voted in favour of the proposition that India should bear no part of it. But now the noble Lord says that we are to wait before we can be told what proportion of the cost is to be borne by the Imperial Exchequer. I do not complain of that course, because it would, no doubt, be desirable that the Government should have full information on the subject, and especially the opinion of the Government of Lord Ripon, as to the mode in which any contribution is to be made. At the same time, delay is not without danger. It is like giving a blank cheque to the Government of

India, because, of course, the proportion of contribution by England will depend upon the amount expended.

I spoke just now of the amount of surplus income, independently of the War; and I am heartily glad to hear the opinion of the noble Lord with reference to the licence tax, that if it is determined to retain it, it ought in justice to be extended to the official and professional classes. That will make a small addition to income; but, besides that, the fact is that a steady increment of Revenue is going on from year to year. Not only was this to be expected from the large increase of our territory during the last 30 years; but it would have been very disappointing indeed if, after all the additional security we have given to the country, the gradual expansion of its trade, and the network of public works which have been constructed, there had been no increase in its Revenue. Well, what is that increase? I exclude opium and the new taxation, as being so variable in amount as to disturb the calculation. But, with these exceptions, if anyone will examine the figures of the last ten years, he will find a regular annual increment of Revenue to the extent of £400,000 a-year.

On the other hand, of course, there has been an increase of Expenditure, but not to an equal extent; and when we talk of the fluctuations or the uncertain character of Indian Expenditure, we really mean only two items—famine and loss by exchange. With these exceptions, and also that of war, the Expenditure has been pretty steady; and no better proof can be given than the figures quoted in the Return distributed to hon. Members this morning, from which it appears that the net ordinary Expenditure of the four years of Lord Northbrook's Viceroyalty and the first four years of Lord Lytton's was almost the same. The hon. Member for Rochester (Mr. Otway) gave us some instances, as he called them, of extravagance. I am only concerned to refer to one of them, the conversion of the Five per cent loan effected in March last. I am sorry we had not then the advice of the hon. Member as to the means of doing so on more favourable terms; but we did consult some very high authorities at the Stock Exchange on the subject. It was, especially considering the large amount involved—£17,000,000—a very

delicate operation; but I believe that since it was successfully effected the India Office has received nothing but congratulations upon the subject. The hon. Member went on to refer to the policy of reduction of Expenditure. I think he would have been doing better service if he had, at first, given us some practical suggestions as to saving £1,000,000 or £2,000,000; instead of talking in a vague way about saving £8,000,000 or £9,000,000, and I was also a good deal disappointed at the manner in which the noble Lord the Secretary of State referred to this subject. He seemed to speak in discouraging terms of the prospect of any reduction. And he went on to say that he hardly thought that the undertaking made by me on behalf of the late Government, as to reduction of Expenditure, had been made good, and he rather left it to me to explain what had happened.

Well, the pledges which I gave last year were that the arrangements with the Provincial Governments should be revised, with a view to economy, that the Public Works Expenditure should be reduced, and that a careful examination of the Army charges and the Home charges should at once be made. Let me explain to the House how those pledges have been redeemed. An extensive investigation into all expenditure, both in England and in India, has been made. At home a small Committee at the India Office has carefully considered every means of reducing expenses, and the result has been that many small economies have been effected and others set on foot. The assignments to the Provincial Governments out of the general Exchequer have been cut down by £670,000.

With regard to the Army, the noble Lord has told us that a Commission appointed by Lord Lytton has considered the whole subject; and, in spite of the War, has presented its Report. That Report contains recommendations which, it is believed, will add to the efficiency and fighting strength of the British and Native portions of the Army, and also save £1,250,000 a-year. It is, of course, most reasonable that full time should be taken for the consideration of this important Report. The noble Lord has spoken in a somewhat discouraging way as to the possibility of reducing this expenditure also;

but I am not without hope that the detailed knowledge of our English military system which he brings to bear upon the subject will enable him to effect important economies. I venture to make one suggestion to him, and that is, that he should publish some part of the Report in England. I am well aware that there are portions of it which are not suited for publication, although summaries have appeared in India; but there are other parts to which that objection does not apply; and I believe that when the noble Lord comes to deal with the question, he would find his hands much strengthened by the support of an intelligent public opinion, created and informed by the publication of this Report.

The next reduction is in Public Works. The productive Public Works Expenditure is reduced by £1,000,000, and the Expenditure on ordinary works is also largely diminished. Special attention has been paid to the Public Works Establishment, which is considerably in excess of the requirements of the Department, even if no diminution had taken place in the Expenditure. The number of engineers employed has been reduced from 1,200 to 900, and is ultimately to be 800, of whom a considerable and an increasing proportion are to be Natives. And the principle is established that if a sudden demand for any particular work, or even the fluctuation of public opinion on the subject of this Expenditure should hereafter necessitate an increase in it, the staff will be temporarily supplemented by additions for the particular purpose, and having no claim to pensions; and the effect of this reform alone has been estimated by the noble Lord (the Marquess of Hartington) at no less than £250,000 annually after the present year. On the present occasion, the noble Lord has not expressed any definite opinion as to the amount annually to be expended upon productive Public Works. But from the glowing panegyric which he has passed on their success a strong inference can be drawn. And on a previous occasion, in the course of his Election Address, the noble Lord has indicated a very strong opinion that this class of expenditure has recently been unduly restricted. It is, therefore, worth while to remind the House that that policy received the approval of Parliament and of a Committee specially ap-

pointed to consider the subject, and also to point out what that restriction upon what are technically called productive Public Works really amounts to. It does not in any way prevent the construction of ordinary Public Works out of the Revenue of the year to the extent that the financial condition of the country can afford. It deals only with such works as may be constructed out of borrowed money. For these works the restriction is that £2,500,000 and no more may be expended every year. But that is not all. It does not include the capital required to be raised for the East Indian Railway, nor by the guaranteed Railway Companies. Nor does it include the outlay upon works calculated to guard against a probable future outlay upon Famine relief. So that during the current year, in spite of this much-abused restriction, the amount estimated to be expended upon Public Works of all kinds, including maintenance, but excluding working expenses, amounts to more than £9,000,000. It can hardly be said, looking to the present financial condition of India, that this is an inadequate sum; and I earnestly trust that the Government will not, without much more consideration than they can yet have been able to give to this matter, introduce any change. In saying this I do not suggest any doubt as to the policy of pushing on Public Works in India. On the contrary, I showed conclusively last year that the effect of these Public Works has been that, while the Debt of India has increased, the annual charge for that Debt has steadily and largely decreased. But not only is it eminently desirable to maintain a settled policy—certainly much more important than the precise limit which may be fixed upon—and to disregard, as far as possible, the incessant fluctuations of opinion which occur on this subject; but it is also absolutely and vitally necessary, in my opinion, to take any reasonable step which will prevent any increase of the Home charges. There can be no doubt that the effect of the large Expenditure on productive Public Works in recent years has been that at least two-thirds of the amount has been borrowed in gold in England. The Home Government and the Government of India has, it is true, vied with each other in deprecating this course. Both, I am sure, have honestly tried to avoid it. But every year something has

happened—either a famine or a fall in the price of silver—and the result, at any rate, has been that the Gold Debt of India has gone on increasing, although in passing I may take some credit to the India Office for the fact that during the past year, when we were supposed to have exceptional difficulties to contend with, and when they had to pay the expense of a great war, no addition has been made to the Gold Debt. But I am speaking of the rule, not of the exception. Now, there are many difficulties connected with Indian Finance; but I do not think that anyone who has seen the actual working of our system in recent years will hesitate to say that the greatest and most dangerous of all is the increase in the necessary remittances from India to England. Last year I ventured to point out to the House that the full extent of this increase, though steadily going on, was not, from various causes, felt until after 1871. Since that time the increase has continued. It has had a considerable effect in forcing down the price of silver, and the total amount of remittances has now reached a point which for some years to come cannot safely be exceeded, if it can be sustained. It may be doubted whether it is possible—nay, I would say that it is impossible—over a series of years to make sure of remitting £16,000,000 annually, even without making any provision for the repayment of existing Debt. It must always depend on many contingencies, of which the most uncertain are the state of trade and the condition of the silver market. This is a question the full gravity of which is scarcely, to my mind, appreciated. It is one which we ought never to lose sight of—least of all before we plunge into any more extended system of Public Works than is at present contemplated. It is sometimes urged that it is much better to borrow in England than in India, because you can borrow at a lower rate of interest. That seems to me, at any rate in the present condition of the silver market, to be a thoroughly short-sighted view. The primary necessity is to keep down the Home charges, and the only way to do this is not to borrow in England. And I might add that this policy has recently received much encouragement from the success of the last Rupee Loan upon which I heartily congratulate the Government, suggesting, as

it does, the hope that a new and excellent market has been developed for these securities.

And now, before I sit down, I wish to add a few words on a subject which has attracted much attention in the Recess. I mean the form in which the Indian Accounts are presented. The first objection, commonly taken, is that they represent the gross and not the net amounts. The reason for that has been, no doubt, the desire to assimilate them, as far as possible, to our English Accounts. And when we are told that it is absurd to have an account which shows the gross Revenue at more than £60,000,000, when, in reality, it is only about £42,000,000, why is it that nobody says that it is absurd to state our Imperial Revenue in the gross, when the net amount is many millions less? The real objection to the system of stating them in the gross appears to be its great inconvenience for the purposes of comparison from year to year. In the second place, it is said that, in presenting accounts based on the conventional system of taking 10 rupees to the pound sterling—which is, undoubtedly, convenient in itself—the Government of India falls into the error of adhering to the system in one part of their accounts and not in others. This was the point recently urged by Dr. Hunter at Birmingham, with reference to the Indian Debt—

“We represent our Debt, in 1878, at a total of £135,000,000. In reality, our Debt consists of two portions—one item of £60,000,000 in England, and another item of 750,000,000 of rupees in India, now equal to about £63,000,000, making a total of £123,000,000, instead of £135,000,000 sterling. . . . The result is that we present a total which is inaccurate to the extent of nearly £12,000,000 sterling.”

That is to say, he suggested that the rupee portion of the Debt should be converted into sterling, at the rate of exchange for the year, instead of at the fixed rate of 2s. But Dr. Hunter forgot that the effect of his suggestion would be to make the total amount of the debt vary from year to year according to the price of silver, and apparently to be lowest when the rate of exchange is most unfavourable, which would give a more inaccurate representation of the facts than is done at present. Why, if you could only get the rate of exchange down to 1s. you would appear to have diminished your Rupee Debt by one-half. It would be a much nearer ap-

proach to accuracy to state the whole of the Accounts in rupees, and not in pounds sterling at all. It would, to some extent, get rid of the inconvenient item of loss by exchange, and has a good deal to recommend it. But, from an English point of view, I think it would be most unfortunate. Partly from an increased interest in our great Dependency, and partly from apprehension as to the effect upon English finance—of any great financial difficulty, largely increased attention had of late years been paid to the finances of India. That is a feeling which deserves the greatest encouragement; but which can only be promoted by presenting the Accounts in a currency to which Englishmen are accustomed. It seems to me, therefore, essential to continue the system of presenting the Accounts in pounds sterling, converted at a rate which makes calculation easy, and in such a form as to make it possible properly to compare the total amounts and the separate items from year to year. That was the object aimed at in the net Statement of Income and Expenditure during the last 10 years, which was prepared under our direction at the India Office. I hope that the noble Lord may be disposed to carry the attempt further, and by reference to India obtain, as soon as possible, a real net statement carried back as far as the Government of India can carry it, and which will enable a proper comparison of different years to be made, without being hindered by those changes in the form of the Accounts which have proved so very embarrassing.

In conclusion, I have only to thank the House for the patience with which it has listened to my observations. I hope it will be acknowledged that those observations have not been couched in any Party spirit. We, on this of the House, have always acknowledged the assistance which we received when in Office upon many financial questions from the right hon. Gentleman the present Under Secretary of State for the Colonies (Mr. Grant Duff). It is in that spirit that I have endeavoured to approach these questions to-day, and I trust that when the feelings engendered by recent controversies have passed away we may all be able to deal with Indian Finance independently of Party considerations, and with a sole regard

to the best interests of that great Dependency and to the solemn duties which we owe to its people.

SIR DAVID WEDDERBURN supported the Amendment of the hon. Member for Rochester (Mr. Otway). He had himself presented Petitions from Calcutta, Bombay, and other places very far removed from each other, and very different in circumstances; but the prayer was the same in every case. The arguments with which they supported their Petitions were various; but the Petitions themselves were identical, and the general subjects as to which they craved for inquiry were the same. They proposed that the Government should send out to India an independent Commission of Inquiry into the administration of the country during the period since the country passed from the hands of the East India Company to that of the Crown; and they stated that since that great change took place no comprehensive inquiry had been held in India into a variety of very important matters. So long as the East India Company had a Charter which required renewal every 20 years, it was customary to have a thorough investigation by a Committee of the House of Commons previous to the renewal of the Charter; and upon those Committees there were men most distinguished who sat in that House, and their inquiries were exhaustive, and the information they obtained was of the highest value; but what was wanted now by the people of India was not any inquiry by the House of Commons, although they would rather have that than none at all. The people of India prayed that a Commission might be sent out to India, in order that they might obtain on the spot the opinions and the information of the Natives themselves. They suggested also special inquiries into various matters. The first of these matters was that in the Legislative Council there was no adequate control over expenditure and taxation; that the nominated Members were not sufficiently independent, and were too few to carry out such a control efficiently; and the people prayed that inquiry should be made as to how far it was possible to give popular representation in the Legislative Councils of India. They asked also that there should be an inquiry into finance and taxation. That also was a hard subject. They main-

tained that the views and the opinions and requirements of the people of India were a most important factor in arriving at conclusions on this matter. They complained that, with regard to the administration of justice, important changes had been made of late years prejudicial to the interests of the Native community. The ancient Arbitration Courts, which used to furnish a cheap and rapid administration of justice in the immediate locality, had ceased to operate under our Government, and our Government had refused to recognize them. Petitions had been presented on this subject from various parts of India, but more particularly from the Deccan, where these Courts were eminently successful under the Native Paishwas. Then, with regard to landed tenures, they wished that there should be a thorough inquiry into the respective advantages of a permanent and of a temporary settlement. Employment of Natives was another important matter into which the Natives prayed that inquiry should be made. This had been alluded to during the discussion, and to the great saving and economy which would result from the more general employment of Natives. They also complained of certain Acts passed within the last year or two, and as to whose repeal they were exceedingly desirous. He would not further allude to these points, because they would be beside the question they were discussing; but he mentioned them because they were those on which great stress was laid by the Petitioners; and although it might not be possible to obtain information as to all the matters, still a great deal of information could be obtained, which would afford general satisfaction. As regarded the Civil Courts now established throughout the whole of British India, the expense was very great. In a suit for 100 rupees, where, on an average, only one-tenth of the amount sued for was recovered, fees to the amount of 25 rupees had to be paid. Into the circumstances of these Courts inquiry should be made, and the inquiry should result in economy. Then there was a rigid centralization system of revenue throughout the country altogether independent of the district. There was the same system prevailing in the Southern Mahratta country, where there was a rich soil and an independent Yeomanry proprietary, (as it might be styled), as prevailed in

arid Scinde and the stony ridges of the Deccan, and in the forest portion of the Western coast. It was precisely into these details that inquiry needed to be made on the spot; and he knew he expressed the opinion of those who had taken the greatest interest in the subject when he said that upon a thorough investigation of the revenue settlement of survey the most vital interest of the country depended. The question of public works had, of course, been alluded to. As regarded irrigation, he held that we had suffered greatly from not sufficiently inquiring into Native modes of working and engineering. It was, he believed, a fact that there was no great irrigation work a recorded success in India except such as had been originally Native works, and constructed by Native engineering. The great canals which our civil engineers had constructed had, he believed, been altogether constructed on a mistaken principle. It had been thought that navigation should be kept in view in constructing these canals, and locks had been constructed which had interfered with the proper irrigating purposes of the canal. It was also found that these canals had produced fever, and had caused barrenness of the soil. There were, he believed, in some parts, canals constructed by the Natives, and still worked successfully, and under the control of what would be local or County Boards in this country; and in Ceylon, which might serve as a model, they had recently engaged the local authorities in works of irrigation, and the system had proved eminently successful. Ceylon was an Island from which valuable information might be obtained. They had in that Island a Legislative Council where representative Members sat. They had their village communities, which still maintained a great deal of local independence and self-government, and the Native officials were employed much more largely in positions of honour and trust than they were in India. Then the Civil Service, which was an eminently valuable and efficient one, was paid on a much smaller scale, and it had not suffered on that account. In that respect a very valuable example might be found in Ceylon. That was a matter on which inquiry might certainly be made, because it was perplexing to those who might be supposed to understand the matter, and who found

a difficulty in explaining it. It was the fact that from our own Provinces, even the most fertile and productive, there was a constant emigration going on to adjoining Native States. In Gujerat there was a special district of a rich character, where the rent was assessed at something like 9 or 10 rupees, in our territory; and it was a fact that in years past persons emigrated across the Border, where land was only to be obtained of similar character at 25 or 26 rupees. Then, in the Nizam's territory, it was found that the population was increasing in prosperity, and cultivation extending. That was the case more especially with the prosperous and well-to-do population known as occupancy tenants, who were not mere tenants at will. In one district of the Nizam's territory the area of cultivable land had increased 200 per cent, and the number of cultivators in the territory had doubled, most of them being occupancy tenants; and he would call attention to the fact that while the cultivation had doubled the assessment had only been raised moderately; and in that, he imagined, might be found, to a great extent, the solution of the matter. In the adjoining British territory great distress had prevailed in recent years, although the land was similar. In conclusion, he would say that, however alarming the financial condition of India might be, that condition was, he believed, by no means desperate. He was satisfied that if the noble Lord who was now the Secretary of State for India was able, for some years, to devote his attention to the financial government of India, he would soon be able to show favourable balances. His great difficulty would be to carry out the retrenchments which he considered necessary and desirable. It was always, of course, difficult to give effect to schemes of retrenchment where those who paid the taxes had no voice in their disposal, and those who disposed of them were all-powerful; but if the authorities at home exerted their power, they would be able to save something, though he doubted whether they would save so much as the hon. Member who moved the Amendment suggested. What was feared by the people of India was not by any means the good intentions of the present Government, but that, with the best intentions, the Secretary of State and the Viceroy would find it very difficult to deal with,

*Sir David Wedderburn*

those persons on the spot who had been reared and trained in a different school of finance. What they apprehended was that many of those reforms which were practically promised by the present Government before they came into power would be slow of being carried into effect. The Viceroy would still be surrounded by the same people; but he trusted the Home authorities would see their way to fulfil their pledges to the people of India. No thorough inquiry into the administration of that Empire had taken place since its government came into the hands of the Crown. It was quite true that a Committee of the House of Commons sat and collected a great deal of information on the subject of Indian Finance; but that Committee was interrupted in its career by a Dissolution of Parliament; and it never reported; and he must say its investigations could not be said to be complete, more particularly as there was the objection that the evidence given was principally by European officials, very few Natives giving evidence before the Committee, from the fact that the inquiry was held in Westminster. He therefore ventured to move, as an addition to the Amendment—

“And that a Royal Commission should be appointed to inquire, in India, into the administration of that Country since the transfer of the Government from the East India Company to the Crown.”

MR. SPEAKER said, the hon. Baronet could not now propose his Amendment, as there was one before the House which must be first disposed of.

SIR DAVID WEDDERBURN said, that when the proper time came he hoped to be able to submit his Amendment.

MR. ASHMEAD-BARTLETT moved the adjournment of the debate.

Motion made, and Question proposed, “That the Debate be now adjourned.”—(*Mr. Ashmead-Bartlett.*)

THE MARQUESS OF HARTINGTON assented, on the understanding that it should be resumed at the Evening Sitting.

Motion agreed to.

Debate adjourned till this day.

The House suspended its Sitting at ten minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

## ORDER OF THE DAY.

INDIA (FINANCE, &c.)—EAST INDIA REVENUE ACCOUNTS—FINANCIAL STATEMENT.

COMMITTEE. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th August], “That Mr. Speaker do now leave the Chair.”

And which Amendment was,

To leave out from the word “That” to the end of the Question, in order to add the words “the public expenditure in India and the charges on the Indian Revenues defrayed in England are excessive; and that, in the interests of the people of India, it is desirable to effect a prompt and large diminution of such expenditure,”—(*Mr. Oway,*)

—instead thereof.

Question again proposed, “That the words proposed to be left out stand part of the Question.”

Debate resumed.

MR. ASHMEAD-BARTLETT, who had the following Notice upon the Paper:—To call attention to the relations of Great Britain and of Russia with Afghanistan and Central Asia; and to move—

“That, in view of the unsatisfactory condition of Indian finance, and of the great expenditure and labour already incurred on several occasions in occupying Afghanistan, and of the great advance made by the Russians since 1862 towards India, it is desirable for the safety of the British Empire in India, and for the security of the 250,000,000 of people inhabiting that country, and for the highest interests of civilisation, that the British occupation of Afghanistan shall be maintained, but more especially that the great fortress of Kandahar shall be permanently garrisoned by British troops,”

said: Sir, the question of Afghanistan is the most difficult and most troublesome of all the questions connected with Indian Finance. I know I shall receive little sympathy from hon. Gentlemen opposite, and, perhaps, not much support from the Party to which I belong; but my Amendment offers a solution of the difficulty which is commending itself more and more to the solid judgment of the country. The belief in some such solution as that which I am about to advocate is growing day by day, and the course of events, which is stronger than the wishes of statesmen, is leading inexorably towards the same conclusion.



There are two, if not three, points connected with this method of dealing with the Afghan Question and its relations to Indian Finance which, I think, however divergent may be the opinion of hon. Gentlemen, will be generally agreed upon. The first is the importance of Afghanistan in a military and political point of view to those who hold the Empire of Hindostan. Afghanistan is admitted by all the great military authorities to be, in a military sense, the key to British India. If you look at it from a geographical point of view, you will find that Nature has formed the great chain of mountains of the Hindoo Koosh as a natural boundary for the Power who holds sway in India; and if you look at it from an historical point of view, you find that every invader from the time of Alexander the Great to that of Nadir Shah, who has conquered India, has had to pass through the avenues of Afghanistan. The mountains of that country would afford excellent shelter for great armies, which could at any moment, and it might be again, as has often been the case before, with fatal effect, descend upon the plains of India. It is impossible for the Power that holds India to allow Afghanistan to fall under the sway of Russia. That time is drawing near which has been foreseen by all the leading statesmen of England, when the struggle between the two great Powers which are at present dividing Asia must come. The result will largely depend upon who is first in possession of Afghanistan. The commercial value of Afghanistan as commanding all the great trade routes which connect Persia, the Caspian, Central Asia, and Hindostan is very considerable, and its connection with India opens fresh and valuable markets to our stagnatory manufactures. The annual Revenue of the late Ameer was estimated at nearly £2,000,000. There is still another consideration, which I think will be generally admitted—that the great expenditure and trouble which has already been incurred in conquering that country on two or three different occasions should render those who have incurred this expenditure very chary of allowing it to be incurred in vain. If you choose to sink £25,000,000 or £30,000,000, spent in invading that country without any return, you are guilty of wilful waste; but if you permanently occupy it, you not

only secure the safety of India, you not only prevent costly and dangerous wars in the future, but you will own a country which will pay, at all events, the interest upon the money spent. If trade, however, were to develop, as it has done at Candahar, there is the best reason to believe that in a few years time the Revenue of Afghanistan will amount to no less than £3,000,000. There are special reasons why the abandonment of the country is extremely dangerous and hazardous at the present moment. I do not propose to criticize in detail the events which have taken place recently in Afghanistan, as the noble Marquess (the Marquess of Hartington) has deprecated discussion on these points; but I think it is worthy the consideration of Her Majesty's Government that they are abandoning that country, to occupy which has cost so much trouble and money, at a moment which is probably the most inopportune they could have chosen in the history of the last 40 years. They are abandoning it at a moment when an Afghan Chief, whom it is not wrong to describe as a pensioner of Russia and an emissary of the Russian Government, has been raised, with a haste which, without exaggeration, may be described as indecent to the Throne of Cabul, and when a near relation, and, possibly, a co-conspirator of his, has inflicted a severe reverse upon us in the Candahar portion of that country. I think it is ominous that we should abandon Afghanistan at a time when the elevation of Abdurrahman to the Throne of Cabul has been received with rejoicing throughout the Russian Empire and throughout the Russian part of Asia, and at a time when it is feared—and not without some reason—that the Ameer is in league with Ayoub Khan, who is, according to many different authorities, accompanied by Russian officers. There is also another and a still more serious consideration for the future authority of England in Afghanistan, and for the safety of Hindostan itself. It was that consideration which I regret to say was derided by the noble Marquess the other day; but I am very much afraid that, before many months are over, the noble Marquess may have cause to change his opinion. I refer to the march of General Skobeleff towards Afghanistan. That General has a very considerable army

under his command, an army of about 30,000 bayonets, and his road to India, if he once overcomes the resistance of the Turcomans, will be without obstacle. It will be through a country which the best authorities on this portion of the world describe as well-watered and easy of approach. General Skobeleff is now, or rather was a month ago, only 400 miles from Herat, the outer gate of India. The greatest mistake which I think Her Majesty's Government is committing is in allowing these Turcoman tribes, who are placed by Nature as a buffer between England and Russia, to be subdued, if not annihilated, by Russia. You have in these Turcoman tribes a race of singular courage and military quality; you have a race passionately attached to their independence, which they have defended for hundreds of years against attacks from all quarters. It would only require a little moral encouragement from England, and, at most, the assistance of a few thousand rifles, to make these Turcoman horsemen a match for the Russian armies. They look for nothing more than to be allowed to maintain their independence, which they are practically unable to maintain with their miserable weapons in the face of the deadly breech-loaders and discipline of the Russian invaders.

SIR GEORGE CAMPBELL rose to Order. I wish to ask you, Sir, whether this has any reference to the Question before us?

MR. SPEAKER: I am bound to say that the observations of the hon. Gentleman seem to be wide of the Question before us. We are now considering the Indian Revenue Accounts.

MR. ASHMEAD-BARTLETT: I very much regret, Sir, that you should have regarded my observations in that light; for I should, in a very short time, have shown how essential the policy I am advocating in regard to Afghanistan is for future economy in Indian Finance, and for the accomplishment of those internal reforms which we, in common with Her Majesty's Government, wished to see carried out. I will not, however, distress the hon. Member (Sir George Campbell) by any further reference to the Turcoman tribes. I will only repeat what I have already said—that those tribes are placed as a natural buffer between England and Russia, and that to allow them to be destroyed would be an act of short-sightedness. Another

most important boundary to the advance of Russia is the great desert between the Caspian, the Oxus, and Persia, which is the boundary evidently placed by Nature, as a limit to the further progress of the Russians southwards. ["Order, order!"] I think it would very much conduce to the progress of Business if hon. Gentlemen would refrain from interruption. I was saying that if Russia is allowed to cross that desert, she would be placed in such a position that you would find it most difficult to resist her in the future. ["Order!"]

MR. SPEAKER: I must point out to the hon. Gentleman that the question of the relations between Afghanistan and Russia is beyond the scope of the Question before the House.

MR. ASHMEAD-BARTLETT: Well, Sir, I may be told that I am raising what hon. Members are pleased to call the "Russian bogey." I have no doubt the arguments I have advanced will be met by some general phrases, such as—"We don't believe in this constant fear of Russia," and "We think that a little more manly confidence would be better." I can only say that these statements are mere phrases, and have no value in face of the irrefutable facts of the Russian advance. [*Cries of "Order, order!"*] Do I understand, Sir, that you rule that I am not in Order in dwelling upon the question of the Russian advance towards India.

MR. SPEAKER: I have just now stated that I consider the question of the relations between Afghanistan and Russia beyond the scope of the Question before the House.

MR. ASHMEAD-BARTLETT: My Amendment has been allowed to remain on the Paper, and it contains references to this effect. I was certainly under the impression that I should be allowed to dwell upon that Amendment.

MR. SPEAKER: I am bound to say that the hon. Gentleman would not be in Order in moving that Amendment in the terms in which it now stands.

MR. ASHMEAD-BARTLETT: I shall, of course, after your ruling, not pursue the subject now; but shall take the opportunity of raising the question in the shape in which I wish to raise it on going into Committee of Supply on the Appropriation Bill. That, no doubt, will satisfy hon. Gentlemen opposite. Well, Sir, what are the arguments against the permanent occupa-

tion of Afghanistan? We are told that it is too costly. I have already ventured to point out what the Revenue of the country might become if the country were added to the present possessions of Her Majesty in India; and, in advocating this course, I do not, of course, venture to recommend to Her Majesty's Government any particular shape it should take. It might be by means of a tributary Prince; it might be with more or less occupation of that country on the part of British troops. Such an addition would, I believe, not only settle this question, not only give permanent security to India, which otherwise will be kept in a state of perpetual alarm, not only very greatly develop trade, not only open fresh markets for English productions and the trade of Hindostan, not only bring into connection with the Indian markets the markets of Central Asia and Northern Persia; but the Revenue of Afghanistan itself would more than pay the cost to which we have been put. And if you occupy such places as Herat, Mæinene, and Fyzabad, which are the real outworks of British India, you would then, indeed, be in a position to treat with the utmost disregard and contempt what I have referred to as the "Russian bogey." Until you do that you will be subjected to perpetual alarms, which will increase day by day, till at last you will find yourselves unprepared, after abandoning every coign of vantage to your inveterate foe, in face of the struggle which all statesmen in Europe regard as inevitable. But it is said the Afghans are opposed to annexation on the part of Great Britain—and, no doubt, the opposition offered by a part of the Afghans to the British Army seems to give some proof to this—but you have no evidence that the opposition comes from the great majority of the people. It must not be forgotten that Afghanistan is governed by a small portion of the Afghan races. There is no such thing as a homogeneous Afghan race. Not more than 30 years ago a section of the Afghan tribes—those about Cabul—conquered the remainder.

An hon. MEMBER rose to Order, and appealed to the Speaker. Was it pertinent to the Question to discuss whether the Afghans were or were not a homogeneous race?

MR. SPEAKER: The relations between Afghanistan and India do appear

to me to come within the scope of this discussion.

MR. ASHMEAD - BARTLETT resumed: These persistent interruptions are more readily made than, but are not so readily met as, arguments. I was remarking that there was no such thing as a homogeneous nationality in Afghanistan. The ruling portion is, perhaps, not more than one-third or one-fourth of the nation, and their rule is very unpopular among the other portion. Candahar has welcomed the appearance of the British troops, and the order and sense of security which accompanies that presence, with the greatest pleasure. The trade of Candahar since our occupation of that district has more than doubled. Even in Cabul itself the British have been welcomed by a large portion of the population; and all the trading classes throughout Afghanistan are delighted with the order, good government, and prosperity which the occupation by British troops afforded. There is reason to believe that the Heratees, who are of a semi-Persian origin, would welcome a definite rule by England, as they did years ago, when Lieutenant Pottinger was the practical autocrat of that city. They would welcome our rule with the same pleasure at the present moment. The great difficulty in the relations of the Indian Government with Afghanistan has hitherto been that the English have never avowed any intention of permanently remaining there. That fact has rendered it impossible for the British authorities to gather around them that support and following which would immediately result from an avowed intention of this kind. It is a well-known fact that influential Chiefs have told us that they were ready to come forward and lend us political, and even military, aid, if only they were sure we would remain, and that they would not be abandoned to the fanaticism of the ruling class as soon as we had left. It is believed by many who were concerned in the occupation of 1842, or have watched the course of events since, that if we had held the country in 1842, it would now have been quite as civilized as the rest of India. That opinion is expressed by distinguished officers like Sir G. Lawrence, brother of the late Lord Lawrence, who lived for many years in Afghanistan. He holds that if we had then continued the occupation the coun-

*Mr. Ashmead-Bartlett*

try would have been now quite as peaceful as the Punjaub. In fact, very much the same predictions were made with regard to the occupation of the Punjaub in 1847 and 1848, as are now made with reference to Afghanistan. As a matter of fact, we have never experienced any difficulty at all in conquering Afghanistan. The military portion of the proceeding has been very simple; and had we announced our intention to occupy the country, we should have gathered a large following, and the North-West Frontier Question, the Central Asian Question, nay, the Indian Question, would have been settled at once and for ever. For, once in possession of the strong places of Afghanistan, you could disregard with safety the menacing advance of Russia. But if none of these facts existed, if it were impossible to point to the obvious advantages which would result to the Afghans themselves from the permanent occupation and civilization of their country, I could defend the course on the maxim, "*Salus populi suprema lex.*" There are in India 250,000,000 of people absolutely dependent upon our Government for protection. You have done that which has entailed a great responsibility on the English Government. You have deprived them of their reliance on their own government and organization, and, what is not an unmixed evil, you have deprived them of their military institutions and experience. You thereby leave them by themselves almost defenceless in the face of an attack, and you are bound to take those precautions, in view of a probable invasion from Russia, which any other military Power in the world would have taken long ago. You are bound to consider the future of that vast population, whose power of self-defence you have largely taken away, and to guard their security against the cruel and destructive despotism to which they would be subject if conquered by the Russian Government. On this account, as well as from the benefit which no one can deny would result to the Afghans themselves from a British occupation, I advocate the permanent occupation of Afghanistan as the wisest and most economical course. It is the perpetual putting off dealing with the question which renders it so troublesome and so expensive. It is with nations as with individuals—the adage is true, "a stitch

in time" saves considerable trouble in the future. You do not avoid war by the policy of retreat you adopt; you invite aggression; you do but prepare the way for more dangerous, more expensive struggles in the future; you are repeating the same policy which involved you in all the troubles and expenses that preceded 1874; the same policy of pusillanimous retreat that rendered the Wars and Expenditure, which followed 1852, necessary; which caused you the Crimean War, with its great bloodshed and expense; which led you to encourage Denmark to resist her assailants, and then to abandon her; which led you to neglect the annihilation of France—["Order, order!"]

MR. SPEAKER reminded the hon. Member that he was wandering from the question, which had reference to Indian finance.

MR. ASHMEAD - BARTLETT: I shall not dispute your ruling, Sir, and I admit that my last statements were not directly connected with the question; but I have, during my short experience of the House, known hon. Members comment on the policy of the past, as the only way to illustrate the policy of the present and the future. I shall not proceed, however, and I only mention this in my own defence. I apprehend that, after the spirit which has been displayed by hon. Members opposite, it will be impossible to go into the question in the particular way I could have wished, with regard to the Amendment put on the Paper, and which I was under the impression I could support. I regret a remark which fell from the noble Marquess this afternoon, when he stigmatized the policy of the late Government as "Imperial," and seemed to think that it should therefore meet with the reprobation of the House; and I am bound to say that, in the view of the many, an "Imperial" policy is necessary for the interests of a great, and widespread Power. It is a charge against the present, as it was against the late, Liberal Government, that they do not follow this Imperial policy in dealing with the affairs of a great Empire; but follow a narrow, insular, parochial policy. [*Cries of "Order!"*] Surely I am in Order in referring to the observation of the noble Marquess.

THE MARQUESS OF HARTINGTON: What is the observation referred to?

MR. ASHMEAD - BARTLETT: It was, so far as I recollect, that England ought to bear a certain portion of the expenses of the Afghan War, because that War was dictated by an Imperial policy. Therefore, my remarks are apposite to the question.

THE MARQUESS OF HARTINGTON: I beg to say I did not stigmatize the policy.

MR. ASHMEAD - BARTLETT: I allude to the tone of the noble Marquess's speech; and when the speech is read, I think it will fairly corroborate what I have said. I shall endeavour, before long, to bring this question before the House at a time when I hope I shall not be subjected to a persistent interruption, with which it is not easy to cope.

MR. J. K. CROSS said, the late Under Secretary of State for India had made several statements which were not in accordance with his notions of finance. For instance, he said there was always great difficulty in getting the actual cash balances in India, which appeared to be an extraordinary confession after his Party had been six or seven years in power. The first thing a Government ought to do would be to bring the whole of the financial arrangements into the best possible order; and he hoped if the noble Lord the present Secretary of State for India found it difficult to ascertain what the cash balances were, he would not wait two or three years until he sent someone out to India to put the finances into order. The late Under Secretary said that there had been a loss on the exchange of £24,000,000 in eight years. That seemed an extraordinary statement.

MR. E. STANHOPE said, what he intended to state was that there had been a loss of £3,000,000 a-year for three years.

MR. J. K. CROSS accepted the explanation of the hon. Gentleman; but he believed that in the last four years the actual loss on exchange did not amount to more than £6,385,000. It was the greatest possible bugbear to Indian finance to be constantly referring to the loss on the exchange. It should also be considered that there were some compensatory advantages. If silver went down in price, opium went up; and, no doubt, the Government had recouped themselves more than half the loss sustained in exchange by the in-

creased price which they received for opium. He could not help thinking that if the Government had paid proper attention to the telegrams received from India during the early part of this year, they ought to have known the serious state of the Indian finances. The first announcement of the prosperity of the Government did not come from India, but was made by the Under Secretary of State (Mr. E. Stanhope) at Hackney on the 19th of January last, who, after describing Mr. Gladstone as the boomerang of the Liberal Party, went on to state that the Government would approach the Budget of 1880-81 without any apprehension; and as regarded the current year, they would be able to meet not only the expenses for the War, but the charges for the Frontier railways, out of surplus Revenue. It was very singular that that statement was made so long in advance of the Indian Budget, and on the day when the Military Estimates were framed. That statement was confirmed by Sir John Strachey on the 24th of February, who estimated the total expense of the Afghan War at £9,000,000; but, at the same time, the Government received a statement from India warning them that the finances of the year had been made up in a very risky fashion. The Indian Government stated that they had arrived at the decision to carry on the Public Service of 1880-81 even at the inconvenience of a considerable diminution of their balances, in order that they might announce a sound state of their finances. This was an extraordinary statement to make. He should have thought the proper course would have been to contract a loan rather than deplete their balances. The first note of warning which came from India was on the 18th of March. On that date a telegram was received stating that they would not be able to meet the usual drawings of 45 lacs, or even 40 lacs, without borrowing, which they were extremely anxious to avoid. That came the day after the prosperity Budget was presented to the House of Commons. To most people it would have been a warning that the finances of India were not quite satisfactory. On the 17th of March came another telegram—"We have to meet a constant military drain, the ultimate aggregate amount of which is quite uncertain." Even that did not seem to have any effect on the Home

Government. They did not seem to have thought that any change could have taken place between the 24th of February and the 17th of March, for they replied—"Apparently nothing new in the situation since the Budget proposals." The Government still adhered to its prosperity Budget. The late Government must surely have seen that there was something wrong in the Estimates. Her Majesty's late Advisers were mistaken in not accepting the telegrams which they received as warnings that the state of Indian finance was alarming; and the House was entitled to know who was really answerable for the failure of the Estimates which had been put forward by the Indian Government. Sir John Strachey, having every means at hand for checking the accounts, and being aware that £1,800,000 more had been paid over to the Military Department than had been accounted for by it, preferred to take the Estimates of that Department rather than consider the actual facts; while he still did not seem to think that the Estimates erred on the side of being too low. In short, with those facts before him, Sir John Strachey had framed his "prosperity Budget." The system of finance which had been carried on in India appeared to have been the most extraordinary conceivable; and the House would agree with him that if Sir John Strachey was not to blame, someone was. There were several very remarkable features of Sir John Strachey's last Budget Statement. Last year, when these Accounts were under consideration, he (Mr. Cross) ventured to point out that instead of a surplus of £2,200,000, there was really a deficit of £6,000,000. During the last 10 years there had been, on an average, a deficit of £2,100,000 each year. In Sir John Strachey's Statement it was announced that the hugely overgrown Public Works Establishments had been got rid of; that the cost which they imposed upon the Revenue was at least £500,000 more than was necessary, and that the reduction had been carried out effectually. Yet it appeared, from the same Statement, that the reductions which had been made only amounted to £250,000 a-year; and that to carry them into effect it had been necessary to impose a charge of £280,000 for gratuities and pensions in the present year. He (Mr. Cross) did not hesitate to say that the establish-

ment cost of the Public Works Department would be about 35 per cent on the work done—an outrageous charge as compared with the ordinary percentage of engineering charges upon Public Works. But that was not all; for Sir John Strachey stated that while he had found it necessary to pension off engineers already in the Service, there was a constant influx of young engineers into the Service from Cooper's Hill, who, in their turn, would doubtless also require to be pensioned. It behoved the noble Lord the Secretary of State for India to take this matter into his consideration and prevent its going on any longer. Various reforms in the organization of the Army had been promised by Sir John Strachey, and he should be glad to hear that these were being carried into effect. In regard to the question of borrowing in India, it appeared to him doubtful finance to pay very much more for their money than they would pay for it if borrowed in England. On the two recent loans of 700 lacs of rupees there was an annual charge of 440,000 rupees laid on the Revenues of India more than would have been involved had the money been borrowed in this country. There was one other point to which he desired to refer before he sat down. Some little time ago he received an answer to a Question of his from the noble Lord the Secretary of State for India, to the effect that Her Majesty's Government would be willing to recommend that a substantial sum should be contributed by this country in aid of India in the liquidation of the Afghan War. Many demands had been made upon the late Government from below the Gangway on the other side of the House for the adoption of that policy; but he was afraid a considerable change of opinion had since taken place on the subject. The Radical ranks had been decimated by promotion; and, although he readily admitted that the promotion had been on the merits, he did not think that India would be benefited by the change. He should like to know what his right hon. Friend the Postmaster General thought as to the amount that should be given by this country in aid of India in that matter. Was the War undertaken for the sake of India, or for our purposes? The Government seem to have come to the conclusion that it was undertaken for

Imperial purposes; and, if, so, he did not see why India should be charged with one farthing of the cost. But it was said that the late Government had come to a different determination, and that, therefore, India should bear her proportion of the War expenses. Well, if her proportion were that of her Revenue to ours—and he did not say that that would be just to India—then, assuming the cost of the War to be £18,000,000, England should pay £12,000,000, and India £6,000,000 only. He hoped that before long the noble Lord would be in a position to make a Statement to the House as to the cost of the War, and as to the sum which the Government intended to propose this country should contribute towards the payment of the entire amount.

Mr. ONSLOW said, that with a good deal the hon. Member who had just sat down said he perfectly agreed; but as to what he had urged in reference to England bearing a certain proportion of the cost of the War he could not agree. At the same time, he could not but think that those who had read the Papers on the Table of the House must have been appalled by the financial errors which had been committed. Knowing what care and labour had been bestowed of late years in order to insure accuracy of account in every branch of Expenditure, it appeared to him almost incredible that such mistakes could possibly have occurred. He (Mr. Onslow) had some experience of the cash balances of India, and he knew that there had always been the greatest difficulty in ascertaining within a short period how much money the Government had in its different Treasuries, scattered broadcast over that vast Continent. It was not as in England, where it was known at once what money there was in the Bank to the Government's credit, and where it was so easy to centralize everything. With regard to the telegrams received by the late Government from India asking them not to draw so much upon India, it was to be observed that nothing was more common than for the Government of India to telegraph to the Secretary of State in England to hold his hand and to moderate his drawals; and he did not himself think the first telegrams to that effect were at all alarming, or that the late Government should be under a suspicion of endeavouring to conceal from the country the

real state of Indian finance from any knowledge or even idea that things were going wrong. He trusted the country would be satisfied there was no such intention on the part of the late Government. He was aware that the present Secretary of State had a difficult task before him. He would have to exercise much care, and take much trouble, to bring Indian finance into good order, so as to prevent a recurrence of such gross errors which had caused such a scandal. It had been said, "Your system of keeping accounts must be bad." He did not believe, however good a system of accounts could possibly be, that it could stand the strain of careless estimating. In his belief, men were to blame and not the system. He (Mr. Onslow) was in India when two gentlemen, one from the Treasury, the other from the War Office, were sent out to look into the financial system of India, and they thought, doubtless, they had done their work very properly, and that the system inaugurated by them was everything that could be desired. Sir Charles Trevelyan declared that the last finish had been put on the financial machinery of the country when these two gentlemen had finished their work. But if there was anything wrong in the system, which had yet to be proved, he (Mr. Onslow) thought that, from the lowest official up to the Viceroy himself, all had been to blame. It was obvious that in time of war especially the utmost care ought to have been taken in framing the Estimates, and he could not but think that a series of Councils should have been held to consider them. He was rather startled to read what Sir John Strachey wrote on the subject. Sir John Strachey expressed his complete confidence in the machinery which had been provided for dealing with Finance and Estimates, and his belief that the grave error which had been committed was in no way to be attributed to that machinery. Neither he, nor Sir Edward Johnson, nor the Government of India had any right to trust to that machinery; they ought to have gone carefully into the whole Estimate, and the Government, as a body, should have satisfied themselves that the War Estimates which were sent home could be thoroughly relied upon. He did not blame poor Major Newmarch, of whom it had been attempted to make

a scapegoat. The whole Government of India was seriously to blame for the grave error which had been committed. Sir John Strachey said it was the duty of the Government to make an intelligent use of the Estimates and the Finance Accounts, and to correct them by fresh information if it drew different inferences; and he added that the Government of India alone was responsible, although it took no part in the detailed preparation of the Estimates. If this were the case, it was very different from what it used to be. [General Sir GEORGE BALFOUR: Hear, hear!] He had known Finance Ministers who had gone into the details of Estimates. It was the duty of Sir John Strachey to have gone into them for himself, with the assistance of the Financial Department; and it was equally his duty to have demanded at a Cabinet Council—as we should call it in England—the most careful consideration of the conclusions at which he, as Financial Minister, had arrived. But nothing of the kind appeared to have been done; and though, of course, technically, the Viceroy was ultimately responsible, yet it seemed to him that he had been placed quite in the dark by Members of his Council, whose primary duty it was to scrutinize most accurately the Estimate for Charges which must of necessity have been very heavy. Sir John Strachey said that, to sum up the whole matter, the error was mainly due, not to any misapprehension of the extent and character of the military operations, but to the fact that they were ignorant of the actual cost of the War. But there was great misapprehension as to the character of the military operations; for there was a telegram from the Government of India, dated the 28th of April, 1880, which stated that, owing to the increasing cost of carriage and of supplies, it was probable there would be a large addition to the War Expenditure. The whole of this should have been foreseen by the Military Secretariat, by Sir John Strachey, and by Lord Lytton. It was obvious that the longer the War was prolonged the more expensive would operations become, from the exhaustion of near supplies, and the greater distance they would have to be carried. It was the duty even of the Finance Committee at the India Office to have foreseen this inevitable increase in the cost

of the operations, and not to have swallowed the Estimates which were forwarded from India. He was appalled with the disclosures made. He hoped the noble Marquess would not fail to punish all who had been remiss in this serious business; as it was the duty of the Government to show the people of India that they expected something more from their highly-paid officials than the commission of errors, amounting to many millions, which ought not to have been committed at all. He desired to notice a speech made by the right hon. Gentleman the Chief Secretary for Ireland, at Leeds, in which he said that the taxation in India per head had more than doubled since 1840. This was a misleading statement, considering the territory they had acquired since that date and the expenditure on Public Works. As an individual Member, he would assist the noble Marquess in carrying any measures for the benefit of India, irrespective of any Party consideration; for if they let Party feeling influence their administration of India, they would soon lose it altogether. He concluded by advising the noble Marquess not to part with any of the Revenue which India at present yielded. He hoped he would not listen to the Lancashire people, who might urge him to abolish the Cotton Duties, or to those who wanted the Duty on rice abolished. If India was to be governed well, he implored him not to lend his hand to the remission of taxation, for, depend upon it, India could not for many years to come sacrifice one atom of her Revenue, even though though there might be great reductions in her Military and other Expenditure.

MR. FAWCETT said, that, as he found he could not relinquish any interest he felt in India during the many years he had sat below the Gangway, he trusted the House would not think he was intruding if he ventured to make a few remarks. The state of things disclosed in the admirable speech of the noble Marquess, which had received just praise from both sides of the House, was so grave, that he would not run the risk of letting the House drift away from the great issues they had to consider by using any expression which could lead them into a Party or a personal controversy. The more unreservedly they accepted the assurance of the hon. Member the Under Secretary of State



in the late Government (Mr. E. Stanhope), that that Government had not a gleam of suspicion that the Estimates for the Afghan War had been exceeded until a fortnight before they went out of Office, the more painfully was the conclusion forced upon them that there was something radically wrong in the present system of government in India; and that all those elaborate checks and safeguards which they were taught to believe were associated with this double system of government and divided responsibility proved to be no security whatever for due and efficient financial control. Let him recall two of the most serious and grave statements disclosed by the noble Lord. The Afghan War was commenced in the autumn of 1878. From the moment that that War broke out the actual Expenditure exceeded the Estimates by something like 180 per cent. The first Estimate was £5,000,000; and now the Estimate exceeded £14,000,000. Yet what was the state of things disclosed by the confession of the Government both in India and in England? The Finance Minister, a year and a-half after the War began, had so little idea that the Estimates had been exceeded that he brought forward a "prosperity Budget," sanctioned the removal of Duties, surrendered Revenue, and confidently said he could go on without a loan. According to the statement of the late Under Secretary of State for India, the War began in October, 1878; it continued till April, 1880; once concluded, it again broke out. The cost of that War exceeded the Estimates 190 per cent; but, after all the labours of the Secretary of State, the Under Secretary of State, the Council, and the permanent Secretary—after all the letters which had been written about the state of affairs during a year and a-half—not a glimmer of suspicion crossed their minds to cause the slightest alarm as to their Estimates being exceeded. He would not say whether Colonel This, or Sir So-and-So, was most to blame; but what was infinitely more important was this—when such a state of things had happened in the past, what security could they have, unless the system of government was fundamentally changed, that it would not occur again? The late Under Secretary of State for India said, again and again, it was not the Secretary of State, it was

the Secretary of State in Council, that was responsible. In making that admission, he pointed to one of the greatest defects in the government of India; and that was, that when anything wrong occurred, the responsibility was so divided and so frittered away that they never could fasten on anyone. When a charge was made, a game of battledore and shuttlecock took place among the officials concerned, and the responsibility was tossed from one to the other in such a way that the Government might try for years to put their finger on the guilty person, and only find at last that they were engaged in a perfectly hopeless task. Not holding any official position connected with India, and still speaking, as far as he could, as an independent Member, nothing could be further from his mind than to presume for a moment to sketch out what should be the changes that ought to be introduced into the government of India; but what he was prepared to maintain was this—that the disclosures which had been made, with so much force and clearness by the noble Lord, must bring home to every man who took a thoughtful interest in the welfare of the Indian Empire the conviction that some radical changes must be introduced into that system of government; and that the time had come when the Act of 1858, by which the government of that country was transferred from the Company to the Crown, required to be thoroughly overhauled. To give only one instance showing the extreme urgency and importance of having that Act examined, the late Under Secretary of State for India had said it was not the Secretary of State that was responsible with regard to the finances of India, it was the Secretary of State in Council—the Council of the Secretary of State. Now, so obscurely was the Act of 1858 worded, that no two authorities up to the present time agreed as to the legal powers and functions which were properly exercised by the Council of the Secretary of State. In a remarkable debate in the House of Lords in 1869, he found there was a singular conflict of opinion on this subject. Lord Cairns, as ex-Lord Chancellor, supported by Lord Chelmsford and Lord Salisbury, maintained that the Council of the Secretary of State was absolutely supreme in all questions of finance, and that a war could not be un-

dertaken without consulting them, because every war, sooner or later, involved expenditure. Exactly the opposite opinion was held by the present Lord Chancellor, supported by the Duke of Argyll, who maintained that the functions of the Council were simply consultative. He did not presume to decide who was correct—Lord Cairns or Lord Selborne—but the Act in this respect had remained absolutely unaltered to the present time; and he said it was not right—it could not be right—that an Act which governed 250,000,000 of people should be so obscurely worded, and left in such a state of ambiguity, that no two persons could agree as to the functions and powers of a Body to whom was entrusted the supreme control of the Financial Expenditure of India. He once suggested that, following precedents, the most influential Committee possible should be appointed to inquire into the Government of India Act of 1858. In the past these inquiries used to be held at stated periods of 20 years. The Charter of the Company was renewed only for 20 years, with the specific object that at the end of 20 years Parliament should have a direct control over the affairs of India. In fact, Parliament always recognized the great responsibility it owed to India, and it never hesitated to let all its most important Members serve on Committees relating to the government of that country. There was a Committee of that House on which Lord Castlereagh sat, and the Duke of Wellington, in the brief respite from his military duties, during 1809, 1810, 1811, and 1812—some of the most stirring financial years in our history. Even in 1832 the House was not so absorbed by Parliamentary Reform as to prevent no less than 50 of its most important Members constituting one of the most weighty Committees to inquire into the affairs of the East India Company. Another Committee sat in 1853, presided over by Mr. Baring, and there was scarcely a distinguished name in Parliament that was not on that Committee. The present Prime Minister was among its Members; so were Lord Beaconsfield, Lord Russell, Lord Palmerston, Sir William Molesworth, and almost every name of influence in the House. Now, since 1858, 22 years had elapsed; the transfer of the government of India from the East India Company

to the Crown had been effected; great events had happened since then; public works had been extended; the military system had been entirely changed; a different race of men had grown up; and he believed the time had come when nothing but good would result if a careful and thorough and impartial inquiry were now made into the whole administration of the finances of India. Of course, it was not for him to dictate to the noble Lord that this Committee should be appointed. The noble Lord could not think he was doing that; but feeling strongly on the subject two or three years ago he spoke upon it, and the events which had happened since only confirmed him in the opinions he then expressed; and he should be wanting in fairness and candour if he did not say so. But if the noble Lord found that he had materials at his hand at the India Office which would enable him to reform the system of government of India, and to provide better safeguards for financial control, no one would more cordially rejoice that he should be able to solve this difficult problem without the delay a Committee might cause. And now, as to the speech of the late Under Secretary of State for India. That hon. Gentleman was not less emphatic than the present Secretary of State as to the importance of doing everything in our power to prevent Home Charges increasing at the same rate as of late years. Some startling figures had been given on that subject. It appeared that in 10 years these Charges had increased from £9,000,000 to £17,000,000. He could conceive no country engaging in a rasher enterprise than to receive her Revenue in one metal, and constantly to increase the amount of payments she had to make in some other metal. With regard to the suggestion of the hon. Member (Mr. Cross) that it would be better, because cheaper, to raise a loan in England than in India at present, the experience of the recent Indian Loan led him to the conclusion that it did not seem to be very important whether the loan was raised in England or in India. Whatever loan was raised it should be a silver loan, paid out of a silver Revenue. If silver were down, they would gain; if it went up, they would be losers. The risk was one which might be run by a private individual with great resources,

but it was not a risk which a poor country like India should incur; because no one could resist the conclusion that of all evils which could be brought upon the country, none was greater than to be obliged to harass the people with increased taxation, and this would have to be done if they found their gold Payment in proportion to their silver Revenue steadily increasing. What were the Home Charges and the proportion they bore to the net Revenue of India? The net Revenue of India at present was not more than £40,000,000. He meant that was the available amount India had to spend. That £40,000,000 represented 400,000,000 rupees. India had to make a payment of £17,000,000. At present it took 12 rupees to purchase a sovereign, and a payment of £17,000,000 was equivalent to 204,000,000 rupees. But the whole net Revenue of India was only 400,000,000 rupees; therefore, the payment of £17,000,000 absorbed more than half the net Revenue of the country. That one fact showed that the Secretary of State had acted most prudently in resolving, if possible, not to increase the Home Charges of India. Again, there was another aspect of the matter. The House would probably remember that the noble Lord had referred to the exports and imports of India at the present time. The latter were computed to amount to £52,000,000, and the former to £69,000,000; and the difference between them showed that as much as £17,000,000 had annually to be shipped from India. That, also, was a circumstance that would be duly considered by the House. He desired to refer to one remark of the late Under Secretary of State, because he had served with him on the Committee that had sat to inquire into the Public Works of India. As the hon. Gentleman had said, the Committee had recommended that no more than £2,500,000 should be annually borrowed in India for the construction of public works. Of course, that recommendation placed no restriction on the amount that might be spent if India obtained a surplus. In that case, £8,000,000 or £10,000,000 might be expended; but the conclusion of the Committee was that it was not safe, considering the uncertain returns yielded by many of the later public works, to borrow more than the annual sum of £2,500,000. The hon. Gentleman said

*Mr. Fawcett*

that on that point he had not changed his mind, and he might add that neither had he seen any reason for altering his opinion. Now, there was probably no part of the noble Lord's speech that day which would be received with more satisfaction than that part of it which stated that England would make a solid and substantial contribution towards the expenses of the Afghan War; and that statement would give not less satisfaction in England than in India. Whatever might be the faults of the English people, they were not mean or ungenerous; and, knowing that the War was undertaken for Imperial purposes, they would assuredly not think it fair to throw the whole burden of the expense on the poor and heavily-taxed people of India. Everywhere it would be felt that the noble Lord had had the courage to do a just act that might even at first have the semblance of unpopularity. He was particularly glad that the contribution would be made on the ground not of charity, but of justice. Anxious as he had always been to reduce the taxation and the expenses of the country, no one on either side would more resolutely oppose the gift of a single shilling in the way of charity to India. Bad and serious as would be the consequences of increased taxation in India, he had rather incur responsibility on that score than let loose all the manifold evils that were associated with aid in the form of a subvention. Alike by law and by justice they were bound to pay part of the expense whenever the troops of India were employed beyond the Frontier on Imperial enterprises; and it could not, of course, be contended that the War was local rather than Imperial in its character. With reference to another point in the speech of the late Under Secretary of State, he had noticed the remark of the hon. Gentleman that it mattered little whether the Revenue of India was taken as a gross or a net Revenue. But, according to the latest information, while the gross Revenue exceeded £64,000,000, the net amount came to only £13,000,000; and the difference between the two, which in England was only about 12 per cent, was of far greater importance to the English than to the Indian financier. He would explain how this great difference arose. Let hon. Members go through the Revenue of each country, and they would see item after item which

for the last two years, what was called provincial rates were mixed up with the ordinary finances of India. Those provincial rates answered to the local rates of this country. Every rate for roads had been included; and, not only so, but the figures had been so mixed up together that it was impossible to dis sever them. It might be possible to deduct the local revenues. But, in Expenditure also, local and Imperial items had been mixed up, so as to make it impossible to distinguish them. The result was an absolutely confused Expenditure. If they took one item, such as Public Works, the noble Marquess told them truly that, in consequence of the strain upon the finances caused by the War, the ordinary expenditure for Public Works had been reduced to an excessive degree—that was, that the Public Works had been starved to what he (Sir George Campbell) might almost call a shocking degree. But that did not appear in these Accounts at all. On the contrary, if they looked over them, it would appear that, instead of a diminution in the expenditure, there was an increase. That was due to the change in the system of Accounts, because every local expenditure, such as roads and bridges, was, in that Account, added to the Imperial Expenditure for Public Works. With regard to the Extraordinary Reproductive Works, they had heard a good deal about the changes that had been made, and they rendered the Accounts most misleading to the House. Some years ago, the whole of the works under that head were included in the ordinary Revenue and Expenditure of the year. Then, for a time, the Extraordinary Expenditure was thrown under a separate head. That was so until a comparatively recent period; until, in fact, a year or two ago. The Expenditure and Revenue showed—first, the Ordinary Heads, and then that Extraordinary Expenditure was shown; so that they were able to take their choice of an Estimate with these items included or excluded. But since a year or two ago, that Extraordinary Expenditure on so-called Reproductive Works was excluded altogether. It was quite true, that the Revenue and Expenditure were included; but the capital expended was wholly excluded, formerly, for railways, except borrowed money under a guarantee system, and it was quite right to show that in the Capital Account. It had

been admitted, however, by the Government of India, that there were many items now included under the head of Reproductive Works which were not so at all. It was wholly misleading to exclude that expenditure from the Accounts of the year, when, in reality, the surplus was subject to that reduction. Those items should not be put under the head of Reproductive Works, which ought to be charged to Income. As regarded the income and expenditure of those works, although the Account was so arranged as to be misleading to a considerable degree, the Grand Trunk Railways, designed by Lord Dalhousie, paid very well; but the others did not. After having carefully gone into the matter of the guaranteed railways and other things, he must say that he was under the impression that many of those so-called reproductive works were, in reality, not at all so, from a financial point of view. With reference to irrigation, no doubt, the most favourable sites had been already taken up. They contributed more than many other works; and his right hon. Friend the Postmaster General (Mr. Fawcett) had said that he thought that was due to the superior engineering on the part of the Natives. He could not agree with the right hon. Gentleman in that matter; for he did not believe that they possessed superior skill in that way. The most favourable sites, as he had said, were first taken up, and they, therefore, had then to content themselves with less favourable ones. Those works were not always carried out in the best manner possible; and he must say he was inclined to agree with the Committee which sat two years ago and reported that the irrigation works were not always a financial success. He was strongly under the impression that that was so. If carried on, it should be with a view of saving life, rather than of gaining money by the transaction. Whether they had the effect of saving life seemed to be a matter that required serious consideration, when they remembered that, in some districts, where irrigation had been carried on, the mortality was very great. Another point to which he wished to draw attention was, that the balance from year to year, and the receipt and expenditure, did not correspond. He had taken the Statistical Abstract, and found that the Debt had increased by

remembered as one of the greatest benefactors of the people of India.

LORD GEORGE HAMILTON said, that anyone who had heard the speech of the Secretary of State for India must have been impressed alike by the masterly facility with which he handled the figures, and by the impartiality and candour with which he dealt with many questions. The Postmaster General expressed the general feeling of the House in saying that there was something radically wrong in a financial system which would allow a blunder of £9,000,000 to take place undetected. The right hon. Gentleman seemed to indicate that some process of overhauling the Act of 1858 was necessary to prevent the recurrence of the mistake. He (Lord George Hamilton) believed that this blunder pointed to what had been the great blot of the Indian financial system. The officers of the Indian Financial Department performed their work, on the whole, with marvellous accuracy, considering the great disadvantages under which they laboured. But there was one point on which they were always liable to error, and that was the estimated cash balances in hand on a given day. The Indian Government themselves, in a despatch dated May 4 last, admitted that, owing to the existence of a multitude of transactions connected with innumerable treasuries and sub-treasuries, it was impossible, no matter what skill or care was employed, that the Estimate of cash balances could be, within a considerable margin, any better than a guess; and during the time he was at the India Office constant mistakes in that matter were made by the Financial Department of the Government of India. In order to appreciate the purport of the telegrams which had passed between Lord Cranbrook and the Viceroy early in the year, the House must understand that telegrams of the same nature passed between the Government of India and the Secretary of State almost every financial year. The meaning of those telegrams would be easily comprehended when the House understood the method in which the Government of India had to meet its financial obligations. Every year the Government of India had to provide Ways and Means for the Expenditure over and above the Ordinary Expenditure. The Ordinary Revenue of the year was more

than sufficient to meet the Ordinary Expenditure; but this surplus was not sufficient to meet the Extra Expenditure connected with Famine, Remunerative Public Works, and similar disbursements. The question, therefore, arose every year—Shall the sum necessary to establish an equilibrium between Receipts and Disbursements be borrowed in England or in India? If borrowed in England the interest payable upon it swelled the amount of the Home Charges, increasing in subsequent years the exchange difficulty. The Indian Government, however, generally were in favour of borrowing in England, as the result of such borrowing was to reduce the loss upon exchange for the year in a two-fold manner—first, by diminishing the amount to be remitted from India; and, secondly, by such diminution, obtaining a higher price for each rupee remitted. The telegrams of this year were merely a repetition of those of previous years, and indicated, not that the Budget Estimates were erroneous, but merely the inability of the Government to meet in India the wants of the Home Treasury in London. The latest telegrams on this subject which had been laid upon the Table of the House constituted an appalling confession as to the want of control exercised by the Indian Government over their cash balances. That was, no doubt, a strong expression to use; but it seemed to him to be perfectly justified. He had no doubt it was owing to that defect in the financial system of India that the recent great blunder had occurred. It seemed really impossible for the Indian Government to take account of the issues from the Exchequer so as to be able to tell within millions their cash balances on a given day. Now, he did not wish to censure the officers of the Finance Department in India, who, as he had already remarked, performed their duties, on the whole, with singular accuracy; but, seeing that the evil referred to manifested itself under successive Viceroys and successive Secretaries of State, he could not help think that there was something radically wrong in the manner in which the cash balances in India were calculated. What he would venture, in the circumstances, to suggest was that a small Commission, composed of the best men whose services could be obtained, should be sent out to India to investigate the mistake which had been

salt revenue mean? There was no reason to suppose that the people of India consumed much more salt. That salt revenue was, in fact, a poll-tax; and that not only on a part of the people, but on every man, woman, and child in the country. That sudden increase meant, either an increase in the rate of the poll-tax, or in the area over which it was collected. He thought the House were scarcely aware of what some of the changes meant. In the case of the abolition of the Customs which had been spoken of, the real change that had taken place was not shown. They had exchanged a system of Customs revenue on salt, for one of Excise, and the result had been to bring under the system at least 20,000,000 of people who had hitherto been exempt. They had obtained the consent of their Rulers, the Native Princes, in those parts of the country; but they had obtained it at the people's expense; and, having done so, it became a misleading element in the Accounts; because, while they had taken credit for the whole Revenue, they had attributed to political allowances the sums paid as compensation to the Native Chiefs whom they had induced to come into their arrangements. Then, with regard to the opium trade, for the last two or three years it had been the mainstay of their Revenue; but there could be no doubt that such revenue was precarious, and that it became year by year less possible to rely upon it. Amongst the various reasons in support of that view was the present high price of the drug, which was very likely to create competition in the market, and the fact that our reserve stock of opium had been considerably decreased. Therefore, he urged that we should cease more and more to rely upon that source of Revenue. He agreed with the suggestion that a fixed sum should be taken, beneath the waves of fluctuation, and that all above that sum should be treated as a god-send, and applied to the reduction of Debt. But, as matters now stood, whether they had a surplus or a deficit, they were always borrowing. They had no Reserve Fund. Therefore, he thought a portion of the Revenue should be systematically devoted to paying off Debt. That being his view with regard to the Revenue, he would like to examine what was their present position. He admitted, although it might be possible

in some respects to take exception to the Statement submitted to the House by the noble Marquess, that our Ordinary Revenue was really in a satisfactory and prosperous condition. No doubt, in the year 1878-9, there was a considerable surplus in hand which amounted, according to his calculations, to about £2,000,000. But they had had a prosperous year, with an increase of taxation, and a prosperous opium trade; and, that being so, it seemed to him that they had no great reason to pride themselves upon that surplus. In 1879-80, there had been an enormous jump in the opium revenue, which brought the surplus of the year of Ordinary Revenue up to something like £4,000,000. Although he had fully recognized the importance of the suggestion of the noble Marquess, that they should provide for bad years out of surpluses of good years, he held that they should maintain, if possible, as a normal surplus, that amount of £4,000,000, and then there would be no cause for anxiety with regard to the Indian Revenues. There were two very important branches of Revenue—namely, the Customs and the direct taxes, in a doubtful and difficult position. The Finance Minister, Sir John Strachey, had put these on such footing that, with regard to them, they must either go backward or go forward; they could not remain in their present position; and if the present system was maintained, the Customs revenue must be sacrificed. Sir John Strachey had said, with regard to the remission of the Cotton Duties, that the results had followed more rapidly than had been expected; and he expressed his opinion that the Customs Duties were virtually dead. He believed that the course in which they had embarked would lead to the sacrifice of almost the whole of their Customs revenue; and it became necessary, in his opinion, to consider how that hiatus in the Indian Revenue was to be supplied. The noble Marquess had told the House, that his wish and expectation was, that the Licence Duties should be continued and extended to the professional and official classes; but, if that were done, he (Sir George Campbell) must express his belief that the people of India would have a just cause of complaint on that account; because, when it was resolved by that House, in 1877, that the Cotton Duties should be abolished, Her Majesty's

Secretary of State that he should endeavour to adjust the sale of his bills to the demand for silver, and that the India Office should select some broker who should have power to sell on any day of the week any number of bills, provided the market was at a certain price. He quite admitted that this course was open to dangers and risks; but there was such a combination of financial ability at the India Office as to make it an easy matter to suggest some means by which the risk could be minimized. He would suggest, further, to the noble Lord that if he were not prepared at once to adopt this step, he should consider during the Recess the propriety of appointing next Session a small Commission to consider the matter. The fact was, that the Indian Office was more or less the victim of a "ring." It was desirable that these bills should be obtained at the lowest possible rate; but the existing arrangements made that impossible. He thanked the House for the attention which they had paid to his dry and practical remarks. This country had conferred inestimable benefits upon India, and that by the agency of only about 3,000 Europeans; and, indeed, the affairs of India were managed at a cheaper rate than our own. We should, therefore, aim at making India self-supporting. Since the present Government came into Office suggestions had been made that a part of the expenses of the Afghan War should be borne by the Imperial Exchequer. He objected to the use which was constantly being made of the words "Imperial" and "local;" the former word being applied to the Central Government, and the latter to local bodies. But the fact was, that England would be little interested in Eastern questions were it not for India. The Afghan War was not an English war, and the Crimean War was in great measure undertaken by us in consequence of our position in India. However, as the Government had made up their minds to pay a large contribution, he hoped they would accompany it with a declaration which would make it quite clear that the Indian Treasury could not rely again upon a similar subvention. He believed the Government of India could best be made self-supporting by introducing more economical methods of administration. The noble Lord had a grand opportunity

of carrying out such a programme; and if he acted with the same vigour and power as he had displayed in his speech, he would deserve all the confidence which was at present reposed in him by his Party.

SIR GEORGE CAMPBELL said, that he wished to go into some of the details of the Indian Accounts; but, in doing so, there was no occasion whatever to criticize, in a hostile spirit, the clear and able Statement of the noble Marquess the Secretary of State for India. On the contrary, he agreed with almost every word he had said. There were some points, however, to which he should like to draw the attention of the noble Marquess and the House. In the first place, he thought they all felt grateful to the noble Marquess for the clear Statement of the net Revenue and Expenditure of India he had put before them, in which some of the mist in which those Accounts were enveloped had been cleared away; because the ordinary Indian Accounts erred on the side of complication to a degree that was very delusive indeed. The hon. Gentleman the late Under Secretary of State for India (Mr. E. Stanhope) had given them some reasons why the Accounts should be given in gross. The system might be carried too far; it had, in fact, been carried on in India in a most pedantic manner. And, in the constant changes that took place, they made it almost impossible to understand the matter. When they were told that this and that distinguished Statesman were mistaken in their views of the Indian Revenue and Expenditure, he would say that the blame was for having a system that was utterly unintelligible except to experts. Under those circumstances, the noble Marquess had done good service in making a step towards reducing that system to simplicity, in comparing a series of years. Besides confusing the Accounts, the old system had a bad effect in spreading throughout the country the idea of the great elasticity of the Indian Revenue. An increase was seen continually arising in the big figures, and it was concluded that that Revenue was of the most elastic nature. In reality, the Revenue was to a certain extent elastic; but the increase was very slow indeed. One change in the Accounts was entirely contrary to what every good accountant would do. That was the way in which,

for the last two years, what was called provincial rates were mixed up with the ordinary finances of India. Those provincial rates answered to the local rates of this country. Every rate for roads had been included; and, not only so, but the figures had been so mixed up together that it was impossible to dis sever them. It might be possible to deduct the local revenues. But, in Expenditure also, local and Imperial items had been mixed up, so as to make it impossible to distinguish them. The result was an absolutely confused Expenditure. If they took one item, such as Public Works, the noble Marquess told them truly that, in consequence of the strain upon the finances caused by the War, the ordinary expenditure for Public Works had been reduced to an excessive degree—that was, that the Public Works had been starved to what he (Sir George Campbell) might almost call a shocking degree. But that did not appear in these Accounts at all. On the contrary, if they looked over them, it would appear that, instead of a diminution in the expenditure, there was an increase. That was due to the change in the system of Accounts, because every local expenditure, such as roads and bridges, was, in that Account, added to the Imperial Expenditure for Public Works. With regard to the Extraordinary Reproductive Works, they had heard a good deal about the changes that had been made, and they rendered the Accounts most misleading to the House. Some years ago, the whole of the works under that head were included in the ordinary Revenue and Expenditure of the year. Then, for a time, the Extraordinary Expenditure was thrown under a separate head. That was so until a comparatively recent period; until, in fact, a year or two ago. The Expenditure and Revenue showed—first, the Ordinary Heads, and then that Extraordinary Expenditure was shown; so that they were able to take their choice of an Estimate with these items included or excluded. But since a year or two ago, that Extraordinary Expenditure on so-called Reproductive Works was excluded altogether. It was quite true, that the Revenue and Expenditure were included; but the capital expended was wholly excluded, formerly, for railways, except borrowed money under a guarantee system, and it was quite right to show that in the Capital Account. It had

been admitted, however, by the Government of India, that there were many items now included under the head of Reproductive Works which were not so at all. It was wholly misleading to exclude that expenditure from the Accounts of the year, when, in reality, the surplus was subject to that reduction. Those items should not be put under the head of Reproductive Works, which ought to be charged to Income. As regarded the income and expenditure of those works, although the Account was so arranged as to be misleading to a considerable degree, the Grand Trunk Railways, designed by Lord Dalhousie, paid very well; but the others did not. After having carefully gone into the matter of the guaranteed railways and other things, he must say that he was under the impression that many of those so-called reproductive works were, in reality, not at all so, from a financial point of view. With reference to irrigation, no doubt, the most favourable sites had been already taken up. They contributed more than many other works; and his right hon. Friend the Postmaster General (Mr. Fawcett) had said that he thought that was due to the superior engineering on the part of the Natives. He could not agree with the right hon. Gentleman in that matter; for he did not believe that they possessed superior skill in that way. The most favourable sites, as he had said, were first taken up, and they, therefore, had then to content themselves with less favourable ones. Those works were not always carried out in the best manner possible; and he must say he was inclined to agree with the Committee which sat two years ago and reported that the irrigation works were not always a financial success. He was strongly under the impression that that was so. If carried on, it should be with a view of saving life, rather than of gaining money by the transaction. Whether they had the effect of saving life seemed to be a matter that required serious consideration, when they remembered that, in some districts, where irrigation had been carried on, the mortality was very great. Another point to which he wished to draw attention was, that the balance from year to year, and the receipt and expenditure, did not correspond. He had taken the Statistical Abstract, and found that the Debt had increased by



£51,000,000, whereas the Reproductive Works' Expenditure amounted to something like £35,000,000. The difference of £15,000,000 was wholly unaccounted for. He believed that many works, such as that of Madras Harbour, had not been included. That, he believed, would go a considerable way to explain the missing £15,000,000. He thought that there should be a balance shown, by which the increase in the Debt should be made to tally with the apparent balance for the year. As regarded the question of the War Expenditure, and the mode in which it was shown, it appeared to him absolutely necessary that a radical change should be made. He believed he was one of the first Members in that House who had drawn attention to the extraordinarily small expenditure estimated for the War in Afghanistan. He would confine himself for the present to the Estimate of 1878-9. They had been told that the War for six months could be carried on for the small expenditure of something over £600,000, and he had ventured to express his extreme incredulity as to that. They knew that, some months after, his hon. Friend the late Under Secretary of State for India had shown that he (Sir George Campbell) was wrong, and that the Estimate of the Government of India was the right one, and that the cost of the War had only been £600,000. What had been the result? Two or three months ago, it was brought to light that another £600,000 had not been brought to account; and it was said that, in reality, the expenditure had been £1,200,000. But what was the statement of the noble Marquess that day? £2,250,000 beyond the original Estimate was found to be the expenditure in that year, 1878-9, and of that the Government of India appeared at the time to have no knowledge whatever. So that that War, which was represented by the hon. Gentleman the late Under Secretary of State for India to have cost only £600,000, in reality, had cost nearly £3,000,000. That was the most extraordinary thing possible. The hon. Gentleman the Member for Mid Lincolnshire had remarked upon the statement of the present Prime Minister as to the impossibility of the War being carried on for the amount stated. The statement of the hon. Gentleman the late Under Secretary of State for India was, no doubt, calculated to

excuse the Home Government; but it was damnatory of the Government of India. He was unwilling to charge dishonesty upon the Government of India in that matter; but he must say that it was difficult to believe that they might not have known that the expenditure appearing in the Accounts was not the real one. Was it possible, when the Government of India had stated clearly and distinctly that so much only had been spent, that they might not have ascertained that a much larger expenditure was going on to meet the cost of the War? The expression used by Sir John Strachey, in bringing forward the Budget, was, he (Sir George Campbell) thought, peculiar. He said—"The cost of the War has been £670,381 for 1878-9. That, we observe, nearly tallies with the Estimates of last year." Then he went on to say—"That the total cost recorded in our Accounts for that War is what we have stated." The first statement was entirely a mistake. In point of fact, the amount recorded bore no resemblance at all to that actually spent; and if that might have been surmised at the time the statement was made, he must say he did not think that the Government of this great country, or the country itself, had been treated fairly in regard to that matter. Those were the remarks he had to make with regard to the question of Accounts. With reference to what he had before mentioned—namely, the elasticity of the Indian Revenue, the Papers which he had before him showed a very slow increase indeed. He would not compare the present Revenue with those from 1856-7, because many important changes had taken place since that. But he would read those since 1867-8. They were as follows:—£37,000,000, £37,000,000, £38,000,000, £39,000,000, £39,000,000, £39,000,000, £38,000,000, £38,000,000, £39,000,000. In the bad year of 1876-7, it dropped to £37,000,000. During those 10 years the increase had been slow indeed, and the apparent jump that was shown in the last two years in great part was due to the provincial rates which had been brought in. About £3,000,000 was due to those changes in Account, and about £3,000,000 to the salt and opium revenue. There could be no doubt that, during the past two years, the increase had been almost entirely confined to those items. But what did an increase in the

*Sir George Campbell*

salt revenue mean? There was no reason to suppose that the people of India consumed much more salt. That salt revenue was, in fact, a poll-tax; and that not only on a part of the people, but on every man, woman, and child in the country. That sudden increase meant, either an increase in the rate of the poll-tax, or in the area over which it was collected. He thought the House were scarcely aware of what some of the changes meant. In the case of the abolition of the Customs which had been spoken of, the real change that had taken place was not shown. They had exchanged a system of Customs revenue on salt, for one of Excise, and the result had been to bring under the system at least 20,000,000 of people who had hitherto been exempt. They had obtained the consent of their Rulers, the Native Princes, in those parts of the country; but they had obtained it at the people's expense; and, having done so, it became a misleading element in the Accounts; because, while they had taken credit for the whole Revenue, they had attributed to political allowances the sums paid as compensation to the Native Chiefs whom they had induced to come into their arrangements. Then, with regard to the opium trade, for the last two or three years it had been the mainstay of their Revenue; but there could be no doubt that such revenue was precarious, and that it became year by year less possible to rely upon it. Amongst the various reasons in support of that view was the present high price of the drug, which was very likely to create competition in the market, and the fact that our reserve stock of opium had been considerably decreased. Therefore, he urged that we should cease more and more to rely upon that source of Revenue. He agreed with the suggestion that a fixed sum should be taken, beneath the waves of fluctuation, and that all above that sum should be treated as a god-send, and applied to the reduction of Debt. But, as matters now stood, whether they had a surplus or a deficit, they were always borrowing. They had no Reserve Fund. Therefore, he thought a portion of the Revenue should be systematically devoted to paying off Debt. That being his view with regard to the Revenue, he would like to examine what was their present position. He admitted, although it might be possible

in some respects to take exception to the Statement submitted to the House by the noble Marquess, that our Ordinary Revenue was really in a satisfactory and prosperous condition. No doubt, in the year 1878-9, there was a considerable surplus in hand which amounted, according to his calculations, to about £2,000,000. But they had had a prosperous year, with an increase of taxation, and a prosperous opium trade; and, that being so, it seemed to him that they had no great reason to pride themselves upon that surplus. In 1879-80, there had been an enormous jump in the opium revenue, which brought the surplus of the year of Ordinary Revenue up to something like £4,000,000. Although he had fully recognized the importance of the suggestion of the noble Marquess, that they should provide for bad years out of surpluses of good years, he held that they should maintain, if possible, as a normal surplus, that amount of £4,000,000, and then there would be no cause for anxiety with regard to the Indian Revenues. There were two very important branches of Revenue—namely, the Customs and the direct taxes, in a doubtful and difficult position. The Finance Minister, Sir John Strachey, had put these on such footing that, with regard to them, they must either go backward or go forward; they could not remain in their present position; and if the present system was maintained, the Customs revenue must be sacrificed. Sir John Strachey had said, with regard to the remission of the Cotton Duties, that the results had followed more rapidly than had been expected; and he expressed his opinion that the Customs Duties were virtually dead. He believed that the course in which they had embarked would lead to the sacrifice of almost the whole of their Customs revenue; and it became necessary, in his opinion, to consider how that hiatus in the Indian Revenue was to be supplied. The noble Marquess had told the House, that his wish and expectation was, that the Licence Duties should be continued and extended to the professional and official classes; but, if that were done, he (Sir George Campbell) must express his belief that the people of India would have a just cause of complaint on that account; because, when it was resolved by that House, in 1877, that the Cotton Duties should be abolished, Her Majesty's

Government over and over again declared that it was not their intention to reduce or abolish them at the cost of additional taxation in another form. But if they took off one tax and put on another, it was impossible not to conclude that the latter had been put on in place of the tax put off; and, therefore, He said that the people of India would have serious ground of complaint if the declaration of Her Majesty's late Government were not acted upon. His view was, therefore, that in order to maintain the Revenue the present level of taxation must be maintained. Another view of the subject was contained in the Amendment of the hon. Member for Rochester (Mr. Otway)—namely, that the difficulty might be got over by largely reducing Expenditure. That view was also held by the Postmaster General; but, upon that subject, he (Sir George Campbell) confessed he was much more inclined to take the view which the noble Marquess the Secretary of State for India had expressed, than those of his hon. Friends to whom he had alluded. It seemed to him that, although a reduction might here and there be made, to effect a saving of £6,000,000 or £8,000,000 in Indian Finance, was by no means as easy as seemed to be supposed. Something might, no doubt, be done by judicious changes in the Army; but he felt that the present Force of 180,000 men could not be reduced with due regard to the safety of India; and, looking at the increase of Charges, he was not at all sanguine that a very great reduction of Expenditure could be effected. In other directions changes might be made; but his impression remained that no large reduction could be effected without changes of a radical nature, which, owing to the existing influences, he did not believe could be made. With regard to Public Works, he had been a Member of the Select Committee which had inquired into that subject, and he had always doubted the propriety of limiting the annual expenditure to the sum of £2,500,000; and, therefore, he would be glad if the noble Marquess could see his way to a considerable extension of these works by an enlargement of the sum devoted to that purpose. At the same time, care should be taken to confine the money to works of a reproductive character. With regard to the Estimate for the Afghan War, it

seemed to him absolutely impossible to understand how the great miscalculation which had been discovered should have been made, and he was completely at a loss how to account for it. It seemed to him that not only had the money been lost, but that it had been expended absolutely without control. Another thing almost more serious was, that the late Government had been shaping and continuing their policy with regard to the War in Afghanistan, in entire ignorance of what that policy would cost, and without taking the most ordinary and easy measures to ascertain how much money was being expended. No one had been more unwilling to see the country embark in that War than he had been; but, up to a certain point, he had felt that, at any rate, it had been conducted at an extremely small expense. But his fears had been afterwards aroused, and he now learned that there had been an enormous expenditure in men and money, a drain on the Exchequer, and, moreover, the destruction of the *morale* of their Army. For those reasons, he thought the Government were doing what was right in getting the troops out of Afghanistan as soon as they possibly could. It appeared to him that the hon. Member for Eye (Mr. Ashmead-Bartlett) was completely in error when he argued that that country would yield a Revenue sufficient to defray the cost of the War. Anyone who knew anything of the resources of Afghanistan would see that the thing was impossible. For his own part, he regarded the statement of the hon. Member as one of the most preposterous that had ever been made in the House of Commons. Now, with regard to the blunders which had been made in the Estimates of the cost of the Afghan War, Sir Edwin Johnson, whose health had not been for some months past such as to allow him to do justice to the appointment held by him, had resigned, and, in so doing, had acted rightly; but he ought not, in his (Sir George Campbell's) opinion, to be made the scapegoat for the whole of the blunders made—for the major officials of the Government of India were, after all, responsible in this matter. With regard to Sir John Strachey, although he was a very old friend of his, he (Sir George Campbell) did not see his way altogether to defend him. But it did seem to him extremely unfair that Lord

Lytton, who, after all, was chiefly responsible in that matter, should be allowed to escape blame, while Sir John Strachey had to bear it all. The hon. Member for Bolton (Mr. J. K. Cross) had quoted, with great effect, telegrams of the 13th, 17th, and 23rd March, which, as he had said, to any man of ordinary sense showed that there was something wrong in the Estimates, and that, in fact, the Indian Government were very much pressed for money. The hon. Gentleman the Member for Mid Lincolnshire (Mr. E. Stanhope) said that his surprise was not excited by those telegrams; but it appeared to him (Sir George Campbell) that there was every reason why he should have been. It was evident that, reading between the lines of those telegrams, the suspicions of the Government in India were excited, and it seemed to him extraordinary that for 16 days after they had been sent, there was entire and absolute silence on the part of the Government of India till the 6th April. In that time a General Election had taken place, and Lord Lytton had resigned, and been made an Earl. He certainly thought some explanation was necessary with regard to that extraordinary silence.

MR. MACFARLANE suggested the necessity of adjourning the debate.

MR. O'DONNELL thought there were very good grounds for adjourning the present discussion; but, in consideration of the lateness of the Session, he could not take upon himself the responsibility of proposing a Motion to that effect, but would proceed with what observations he had to make upon the general question. After the official and ex-official speeches to which the House had listened, it was only fair that some independent Members should be heard; and he could promise that, though he had much to say, he would compress his remarks within the smallest possible compass. He had listened with great attention to the able, simple, and clear speech in which the noble Marquess the Secretary of State for India had made the Financial Statement, and would wish to make a few remarks on the general questions involved, omitting reference to the cost of the Afghan War, which had been very thoroughly discussed, in all its aspects, by the House. While he admitted the clearness and ability of the statement, he must com-

plain that it contained no sketch of a programme of Indian policy in the future, and held out no large promise of future performance in the direction of Departmental administration. It was, perhaps, a little early in the history of a new Parliament and a changed Government to expect any wide and comprehensive scheme of reform to be announced as far as the affairs of India were concerned; but he could not help thinking that something more than had been vouchsafed by the noble Marquess might reasonably have been expected from him. It was, at the same time, satisfactory to hear from the noble Marquess that the Government were not unwilling to reform and curtail the costs and complications of the military system which prevailed in India, and under which three distinct armies, so to speak, were maintained for the purpose of keeping up three expensive staffs. The noble Marquess frankly confessed that there could be no hope of economy in connection with the Indian Civil Service without the introduction of a radical change; but the noble Marquess considerably dashed his (Mr. O'Donnell's) hopes when he added that he saw no immediate prospect of such radical change being practicable. He feared that the introduction of a gradual change in the administration of the Civil Service in India would be useless, inasmuch as everybody who had studied the question knew it to be highly expensive, highly inefficient, and highly unjust. This would always continue to be the case, as far as the question of expense was concerned, so long as it was thought necessary to employ large numbers of British officers in the highest positions. These officials had, from year to year, persisted in, and insisted on, introducing what was called "civilized legislation" into India, and the result had been that the laws so introduced had been made the instruments of tyranny and oppression by the official class. As at present constituted, the system was not only expensive, inefficient, and unjust, speaking in general terms; but it was, in his view, a grave violation of the terms on which Her Majesty's Government held the control of their Indian Empire. It was, in his view, simply a fallacious and deceitful performance of a solemn engagement to compel such Natives as wished to enter

the Indian Civil Service to come at great cost to England; and, in the first place, to prepare for, and, in the second, to pass, the necessary examination. He shared in the opinion that, for a long time to come, it would be necessary to retain in European hands a very large number of the posts in the Indian Civil Service; but, at the same time, he thought it would be wise, and, indeed, almost obligatory, on the part of any Government seeking to do its duty to India, to see what number of posts could be left entirely open to Natives of India, who would discharge the duties at a much lower rate than had to be paid to British officials, and, at the same time, in a more efficient manner, for the reason that they would have a better knowledge of the circumstances and the people with which and whom they would have to deal. As far as the cost of the Afghan War, and the financial blunder as to its cost were concerned, he could only say, speaking entirely apart from any Party point of view, that the admissions made on both sides showed the fact that the arrangements made had broken down; that they were unworthy of the confidence of Parliament, and that it was absolutely necessary to adopt some better system of control than at present existed. He was, at the same time, convinced of the unwisdom of the House or Parliament interfering too much with the internal government of a country like India, instead of letting the necessary reforms proceed from within. He knew that there were elements of rottenness, as the right hon. Gentleman the Postmaster General (Mr. Fawcett) had said, in the official system of India, and it was the duty of Parliament to probe such a state of things to the bottom. In that view, he fully admitted the importance of occasional discussions on Indian affairs in Parliament, so as to fix the responsibility on the right shoulders. Taking, as an instance, the reports of agrarian reforms that had been received by the British Indian officials in high places, and that had been urged in answer to speeches and written arguments delivered and published in this country; on examination, it had been found that those boasted agrarian reforms were unreal; as unreal, in fact, as was the original Estimate of the cost of the Afghan War, made by Sir John Strachey. When he (Mr. O'Donnell)

*Mr. O'Donnell*

came into the House, one of the first speeches he made was in reference to the famine which, at the time, existed in Behar; and he had since found, as the result of careful examination and inquiry, that the arguments and statements used in reply to what he then said were most unfair and misleading. The statement of the noble Marquess had been so admirably clear, though, perhaps, it was slightly tinged with official optimism, that he looked forward, with great confidence, to the continuance of the noble Marquess in the position of Secretary of State for India. He would conclude by expressing a sincere hope that another year they might hear less about foreign competition, the unfortunate consequences of military blundering, and of Imperialist adventures; and by saying that that House would be more worthily occupied by considering how best they might raise the material and moral condition of the people of India, so that it might be seen that the race that had conquered that great Empire were not only equal to the task of conquering it under such difficult conditions, but also that Irishmen and Englishmen, into whose hands the trust had fallen, were equal to the great duty of bringing happiness among the miserable millions of India.

GENERAL SIR GEORGE BALFOUR moved the adjournment of the debate.

Motion made, and Question proposed,  
 "That the Debate be now adjourned."—  
 (*Sir George Balfour.*)

THE MARQUESS OF HARTINGTON said, that if the House desired an adjournment of that debate he should not oppose it; at the same time, however, it must be distinctly understood that no day could be afforded for its resumption until the close of the Session. If another opportunity were desired for the discussion, he should, of course, have no objection to allow it to take another day, if it did not interfere with the other Business before the House. No doubt a day could be given shortly before the Prorogation for that purpose.

MR. OTWAY said, he was not aware that anything would preclude his moving his Resolution on the Motion that Mr. Speaker do now leave the Chair. He did not intend to move that Resolution; but he wished merely to put on record the fact that no attempt had been made

to answer the arguments which he had brought forward. He should, therefore, withdraw his Resolution.

SIR STAFFORD NORTHCOOTE said, he did not know that it was necessary for him to say anything then. So far as the Members of the late Government were concerned, they had no feeling on the matter, one way or the other. They were perfectly satisfied with what had passed in the course of that discussion. The speech of the noble Marquess the Secretary of State for India was one of great ability; but there were one or two remarks to which he should take exception. At the proper time, he should like to express his views, which differed in some respects from those of the noble Marquess, especially with regard to the observations he made as to the origin of the hostilities in Afghanistan. The proper time would be when the proposal was made to put a portion of the expenditure of that War on England. With regard to the general discussion that day, he was perfectly satisfied with what had been said in the course of the debate. The question was one, undoubtedly, of great interest; and if there were many hon. Members who wished for an opportunity for expressing their opinions on the subject, of course it would not be a gracious thing to stand in their way. As he understood it, the Government offered no objection to the adjournment, and he certainly should not himself offer any. He presumed, however, that it was not likely that they would have an opportunity of continuing the debate for some time to come.

SIR DAVID WEDDERBURN said, he had no wish to press his Amendment upon the House. His only object had been to make a claim upon the Government in accordance with the desire that was widely felt by many people, both in India and at home.

Question put, and agreed to.

Debate further adjourned till Tuesday next.

#### SUMMARY JURISDICTION (IRELAND) BILL.

On Motion of Mr. ERRINGTON, Bill to extend the principles of "The Summary Jurisdiction Act, 1879," and "The Justices' Clerks Act, 1877," to Ireland, ordered to be brought in by Mr. ERRINGTON and Sir PATRICK O'BARN.

Bill presented, and read the first time. [Bill 313.]

House adjourned at half after One o'clock.

## HOUSE OF COMMONS,

*Wednesday, 18th August, 1880.*

MINUTES.] — PUBLIC BILLS — *Committee* — Savings Banks (No. 1) (*re-comm.*) [273] — *r.f.*  
Report—Elementary Education Provisional Order Confirmation (London) \* [281].  
Third Reading—Employers' Liability [311], and passed.

### ORDERS OF THE DAY.

#### EMPLOYERS' LIABILITY BILL.

(*Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey.*)

[BILL 311.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Dodson.*)

MR. GORST, who had given Notice that he would move as an Amendment that the Bill be re-committed, said, before he made his Motion he would like to offer a few observations upon the Bill generally. The Bill was confessedly not founded on principle, but belonged to a class of measures which was becoming exceedingly common in their legislation, and was based upon a compromise between the varied interests of those affected by it. The Bill had been very much altered in Committee. In fact, hon. Members had been entirely bewildered by the course of the Government in the conduct of the Bill. He had heard Amendments which, in his opinion, were logical and clear, repelled and rejected; while others, which were illogical and confused, were accepted. The result of this kind of legislation would be that when the Bill became complete it would present the appearance, not so much of a law, as of a treaty. It was couched, not in the clear and accurate language which laws ought to be expressed in, but in the less accurate language which was the characteristic of treaties. The advocates of the workmen understood it in one sense, the employers in another. The Government understood it in a third sense; and when questions were raised for the consideration of the

Courts of Law, they would, probably, understand it in a fourth sense. That being the character of the Bill, he was not surprised that the last stage in Committee should have been taken at 3 o'clock in the morning, when the public would not be able to learn of the extremely illogical arguments that were used. That Bill, as introduced, was intended to apply only to persons engaged in manual labour, domestic servants, clerks, timekeepers, watchmen, and other persons not actually engaged in manual labour, though associated with manual labourers, being thrown over as a sop to the employers of labour. Their exclusion arose from the fact of their not being sufficiently powerful to induce the Government to include them in the Bill. But when the stage of Report was arrived at, the powerful class of railway *employés*, who were not employed in accordance with the original intention and scope of the measure, procured the assistance of certain Members of the House, and brought so much influence to bear upon the Government as secured the making of certain concessions in their favour. The first concession they obtained was upon the Amendment of the hon. Member for Bristol (Mr. S. Morley); and that was that, in the case of railway servants, the employers should be liable, not only for the class of servants for whose acts the employers in other industrial occupations were liable, but that they should be liable for persons having charge or control of signals, points, locomotive engines, and trains—which arrangement, he contended, was imposing upon the Railway Companies a special and peculiar liability in the interests of the railway servants. The second concession was obtained at 3 o'clock on Saturday morning last, by which the Bill was extended not only to railway manual labourers, but to clerks, watchmen, guards, and others, who were excluded in the case of other employments. He was glad that this concession had been made to the railway servants; but it was very doubtful what was the effect of the change. In the first place, a Court would have to define what was a "railway servant." Were station-masters, for instance, to be left out in the cold? He wished also to point out that this concession would not apply solely to the great Railway Companies; it would apply

equally to colliery owners, dock companies, and other persons who used private railways and sidings for the purposes of their business, and was, therefore, in his view, a defect in legislation which could not be allowed to pass without protest. Those hon. Members with whom he generally acted took a very independent view of the Bill; they did not represent any particular class or interest, but were contending for even-handed justice. As far as he and his hon. Friend the Member for Portsmouth (Sir H. Drummond Wolff) were concerned, they certainly did to an extent represent the Dockyard and Arsenal *employés*; but his noble Friend the Member for Woodstock (Lord Randolph Churchill) and his hon. Friend the Member for Hertford (Mr. A. Balfour) were, to a large extent, the Representatives of the agricultural interests, and their sole object was to prevent the passing of a defective measure. He could not conceive on what principle of justice persons associated, as errand-boys, timekeepers, clerks, and in other capacities, with the manual labourers should not be entitled to compensation for injuries received in the same accident that would entitle the manual labourer to make a claim upon his employer. There were many cases in which injustice would be done by the Bill as it stood. In a theatre, for instance, where most dangerous work was carried on, the stage-carpenter and scene shifter would be in a position to claim compensation for injuries caused by the negligence of the manager; but the actors and ballet-dancers would have no such claim, although the cause of their injuries was precisely the same. Having made these general observations upon the Bill, he came to one class of persons of workmen who were omitted by the Government deliberately from the Bill; he meant the workmen in the Dockyards and Arsenals throughout the country, and upon his Motion on their behalf he meant to take a division. He would like to call attention to what had happened. In Committee he moved a new clause upon this subject for the hon. Member for Greenwich (Baron Henry de Worms), who was prevented by illness from moving it himself; and had he not been ruled out of Order by the Chairman, he believed he should have had a majority in his favour. As it was, the Chairman ruled that he could

not put the new clause, and he had to submit, as he had no right of appeal, though, in his opinion, the ruling was wrong. Therefore, he was doing now what he should have done at an earlier stage; and for this the Government were alone to blame. In resisting the extension of this Bill to the workmen in Dockyards, the Government had recourse to the old argument of the Prerogative that the Crown could do no wrong; but could that principle be seriously allowed in this case? Under the Merchant Shipping Act the Government was liable to pay compensation to a powerful and wealthy shipowner, if he sustained injury by reason of the negligence of one of the Crown officials in reference to the detention of a ship. If the Government were to be liable to a shipowner for the wrong done by a Board of Trade Surveyor, why should they not be equally responsible to the Dockyard labourer for the wrong done by a shipwright? If the Government proceeded on the idea that the Crown could do no wrong, and denied the workmen their rights under this Bill, they would establish a flagrant instance of applying one principle to the rich and another principle to the poor. If the Dockyard labourer had been as powerful in that House as the shipowner he would have received consideration. It had been urged that the workmen in the employ of the Government Departments were at present compensated by the charity of the Government to a larger extent for injuries than they would be entitled to if included in the Bill. This might, or might not, be the case; but it did not affect the question. The workmen in Dockyards, however, did not ask for charity, but for justice. What they asked for was not that they should be dependent upon the charitable action of the Government concerning them, but that they should have conferred upon them the same legal right to compensation which it was proposed to give to workmen in the employ of private individuals and firms. In conclusion, he begged to move that the Bill be re-committed, in order that the Amendment, which stood in the name of his hon. Friend the Member for Greenwich, and who was absent from illness, might be added to the Bill.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"this House is of opinion that the workmen employed in Her Majesty's arsenals and dockyards ought to have rights conferred upon them in reference to injuries received in their employment similar to those which are conferred by this Bill upon all other workmen throughout the United Kingdom,"—(*Mr. Gorst*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BRADLAUGH considered that the hon. and learned Member for Chatham (*Mr. Gorst*) was quite correct in saying that his criticisms on the Bill were impartial; but his impartiality had gone the length of raising every possible objection, reasonable and unreasonable, which could by any possibility hinder the House from passing this Bill. The hon. and learned Member was wrong in saying that this Bill would not apply to boys. It applied to everyone, whether under or over 21 years of age, who had made any contract of service, because the definition clause of the present Bill included the definition clause of the Employers' Liability Act of 1875. [*Mr. Gorst* dissented.] The hon. and learned Member shook his head, but that was no refutation of what the statute contained; and he (*Mr. Bradlaugh*) had seen the hon. and learned Member so often wrong in the course of this discussion that he would adhere to his own view of the matter. He entirely agreed with the hon. and learned Member that Dockyard labourers in Government employ should, when injured through the negligence of those exercising superintendence over them, be entitled to compensation; and if he could believe that the hon. and learned Member was bringing forward this proposal in the interest of those persons, and not for the purpose of defeating the Bill, he should be prepared to vote for the Amendment. As, however, he believed that the hon. and learned Gentleman was actuated solely by the feeling of preventing legislation on this subject, he should vote against the Amendment.

MR. WARTON said, he was at a loss to understand why hon. Members should indulge in uncharitable observations with regard to each other. The hon. Member for Northampton (*Mr. Bradlaugh*) was going to vote against an Amendment which he believed to be right in principle, because he had a



notion that another hon. Member was acting against his conscience. The Bill itself was a most peculiar one; but he and those who sat with him had honestly striven to improve it. Yet, after all the labour which had been bestowed upon it, and all the time devoted to its consideration, the Bill would stand as a monument of extraordinary English, in consequence of the Government fearing to adopt any Amendment which had proceeded from the Opposition Benches. He considered the Amendment of the hon. and learned Member for Chatham was founded on justice, and he should vote in its favour.

THE ATTORNEY GENERAL (Sir HENRY JAMES) remarked, that the Government had no wish to stop further discussion on the Bill, and he had no complaint to make of the speech of the hon. and learned Member for Chatham in moving his Amendment. He must, however, remind the House that the same topics relied upon by the hon. and learned Member had been urged against the Bill on its second reading, on going into Committee upon it, and upon the Report; and the arguments of the hon. and learned Member had been answered over and over again. The hon. and learned Member said that he objected to the Bill because it was evidently the result of a compromise. Of course it was, because the Government had endeavoured to follow the middle course between maintaining the law as it now stood and adopting the Bill of the hon. Member for Stafford (Mr. Macdonald). It was asked what the Government intended by this Bill. Well, certainly they did not intend to accept the principle laid down in the Bill of the hon. Member for Stafford. What they did intend to do was to apply the principle of this Bill to the great industrial trades in which the workmen ran great risks, and that principle had received the sanction of the great majority of that House. The second principle involved in the Bill was that the employer should be liable for the negligence of those whom he appointed in his own place to superintend the work in which the workmen were engaged. The right to compensation conferred by the Bill was exceptionally extended to the case of railway servants who were injured by the negligence of those who were engaged in different work, although in the same

employment. That was no compromise, as it had been called, but a simple act of justice to a class of men peculiarly circumstanced. With regard to the case of the Dockyard labourers, the Government would have gladly accepted the proposal of the hon. and learned Member had they felt themselves in a position to do so. The hon. and learned Member was wrong in saying that the Government had excused themselves from accepting the principle of his Amendment on the ground that they gave more in charity to the injured labourers than the latter would obtain if they were included in this Bill. Government workmen received benefits which no other workmen received; but these were regulated not by the charity of the Government, but by the contract which they themselves made when going on the Establishment, as it was termed. The labourers, who formed the large proportion of the workmen engaged in the Dockyards, received pension by compensation in case of disability caused by their own negligence or the negligence of their fellow workmen, and those workmen who were not engaged on the Establishment received life-pensions in such cases. That was a matter of contract, and, therefore, if they carried the Amendment, they would have to alter and re-adjust the whole of the contract; under which the labourers in the Dockyards were now employed. Not only so, but the pensions and compensations to which they were now entitled would be taken away. The Dockyard labourers received no charity from the Government. They received so much weekly wages, and so much in case of injury, and the Government would not dare to take away the contract and promises without re-adjusting the wages of the men. Therefore, he protested against the hon. and learned Member saying that he appeared there on behalf of the workmen to ask for justice. A stronger ground of objection to his Amendment was that if the Dockyard labourers were included in this Bill they would obtain nothing at all in case of injury, for the scope of the Bill was simply to place the workman in the same position with regard to compensation for injury as if he were a member of the outside public; and it was a principle of the Constitution that not even a stranger could recover compensation for injuries sustained through the

negligence of the Crown or its servants. The hon. and learned Member, however, sought to place the Government Dockyard labourer in an exceptional position, more favourable than even that of a stranger, and to give him statutory rights against the Crown which nobody else would possess. He was not going on that occasion to discuss the soundness of the wide principle that the Crown could do no wrong; but if that principle were to be modified it should be modified generally, and not merely as regarded a particular class of Government servants. On the grounds he had stated he must oppose the Amendment.

MR. BOORD thought the hon. and learned Gentleman the Attorney General had fallen into one or two errors. He doubted whether the Established hands formed anything like so large a proportion as the hon. and learned Gentleman stated of the men employed in the Government Service. He doubted, in fact, whether they constituted more than one-third of the whole number employed, and the remaining two-thirds were deserving of consideration. Then the hon. and learned Gentleman said that the workmen entered the Service under a contract. There was no contract entered into by them; but they entered the Service on the understanding that Established hands would be entitled to superannuation. What he had to complain of might be illustrated by a well-known case which he had brought before the House. On the 9th of August, 1875, on the third reading of the Appropriation Bill, he brought forward a claim for compensation for the relatives of two unfortunate men who were killed through the consequences of the explosion of a Palliser shell. The shell was being filled, and the place chosen for the operation was the Cap Factory—a place filled with men, women, and children. One of the men killed had been for 20 years in the Arsenal; he was 40 years of age, and was a good hand. At the time of his death he was receiving 4*7s.* a-week as a foreman, and had he retired the day before the accident occurred he would have been entitled to a pension of 14*s.* 5*d.* a-week. His widow received a gratuity of £49 and a compassionate allowance of 7*s.* 10*d.* a-week. The other man was 42 years of age, and had been 25 years in Government employ, and his widow received a gratuity of £40 and an allowance

of 5*s.* a-week for the maintenance of three children. In each case the allowance was about half that which they would have been entitled to if they had retired the day before the explosion took place. Had they been under the clause now proposed, he found, as the result of a calculation he had made, that the foreman's widow would have been entitled to £450 instead of £40, and the widow of the other sufferer would have received £260. Now, that was the grievance they had to provide against. The grievance was admitted, and they complained that the Government, having the opportunity in their hands, refused to deal with it. He thought that was the more to be deplored, because what they asked for could be conceded without detriment to the Service. He should vote for the Amendment.

MR. NEWDEGATE said, Her Majesty's Ministers had of late years widely extended the sphere of their manufacturing operations. They had largely trenched upon the industry of his constituents in the manufacture of small arms by erecting manufactories of their own; and he would remind the House that before the last great war—the Crimean War—in which this country was engaged, this House, in opposition to the views of the Government of the day, compelled them to commission his constituents in Birmingham, and the London arms trade, to supply the much-needed weapons for that war, and the Government afterwards admitted their surprise at the manner in which his constituents fulfilled their contracts, both as to the quality of the arms and shortness of time in which the supply was furnished. But the Government had now, by the use of their own factories, largely trenched upon the employment of his constituents in Birmingham, and proportionately extended their exemption from the operation of the Bill which was now before the House. This exemption would extend also to factories employed for supplying clothing for the Army and Navy, and over the foundries and factories for supplying cannon and ammunition for both Services—the Naval and the Military. Hitherto he had striven to limit the operation of the Bill by excluding mines of all kinds, particularly coal mines, from its operation. In this and in previous attempts to amend the Bill and to assist its operation, he had

supported Amendments proposed by some of the ablest and firmest of the supporters of Her Majesty's present Ministers. They turned a deaf ear to the suggestions of their own supporters connected with mineral property, and ruthlessly urged their compliant majority against them. They would hear nothing, though able arguments were urged by their able supporters, proving that the Bill was ill-adapted to the mineral industries. He, therefore, should now vote for the Amendment proposed by the hon. and learned Member for Chatham. They, the Representatives of the coalowners, had urged that it was a dangerous employment, and that they were at the mercy of their subordinates, and that the compensation and penalties under this Bill would expose them to undue risks and penalties. Now, what had the House just heard from the hon. Member for Greenwich (Mr. Boord)? That a shell was exploded, and killed two men in the Government manufactory; that the Government awarded the widow of one of these men, whose wages were, he thought the hon. Member said, 50s. a-week, the sum of some £40; while, if that Government factory had been under the operation of this Bill, the widow would have been entitled to £400, or 10 times the amount which the Government actually awarded to that poor widow. He said not then whether the Bill was a good Bill or a bad Bill; but he asked the House with what truth, with what equity, could the Government affirm that the workmen in their employment were, in a pecuniary sense, the better off for being excluded from the operation of the Bill? Then, much had been said of the different position of the operatives and labourers in Government employment, some of whom were not on what was termed the Establishment. The mineowners contemplated a system analogous to that which was termed the "Establishment" for the operatives employed in the Government factories and arsenals. They desired to effect this by a system of mutual insurance, to comprise employers and workmen, similar to that which provided the means of maintenance for those who had suffered from any accident whatsoever in the collieries of the North of England, where this system had for years worked well. But Her Majesty's Ministers absolutely refused all legislative countenance to that

system of insurance, which, by combining the workmen with the employers in its administration, afforded the best security against negligence on the part of either. The right hon. Gentleman who was in charge of this Bill set his face against any recognition of this tried and beneficial system of insurance, but countenanced the idea of coalowners founding a system of insurance among themselves which would exclude the operative miners and colliers from its compass. The right hon. Gentleman had thus countenanced a system of insurance on the part of the mineowners which must defeat in great measure the penalties of this Bill upon neglect on their part, and the operation of which would, in consequence, be adverse to the intention of this Bill, so far as it was directed to the punishment of neglect, of carelessness of the lives of their workmen on the part of the employers—he meant the owners of mines and collieries. The coalowners, who were supporters of the Government in that House, then strove to induce the Government to exclude collieries and mines from the operation of this Bill, because it had become manifest that mines and collieries, and all connected with them, forming as they did a distinct interest, peculiar in its circumstances and necessities, needed specific and separate legislation. But Her Majesty's Ministers used their majority to reject the proposal. If the hon. and learned Member for Chatham divided the House, he should vote with him to include the Government Establishments under the Bill, the operation of which upon other interests, and especially the coalowners, they seemed determined to ignore.

MR. BROADHURST said, it was all very well to find fault with the measure, and he did not think it was a complete measure; but what they had to take into consideration was this—that the Bill was a far more liberal measure than they could have reasonably hoped for six months ago. He had, of course, supported every Amendment that would have extended the scope of the Bill; but the Bill having reached this stage, he could not support the Amendment of the hon. and learned Gentleman the Member for Chatham. The House had made up its mind as to the general lines of the Bill, and it would not go further at present. There was no reason why the House

should not in a few years return to this subject and complete the work by abolishing altogether the doctrine of common employment. That House was naturally a timid House when dealing with questions affecting the interests of capital, and they could not expect it to grow into the manhood of liberality all at once. At the same time, he noted with pleasure the change which had come over the feeling of the House of Commons in reference to this question during the last few years. Five years ago there was hardly a score of Members who were prepared to give any kind of justice to the workmen in this matter; and if the marvellous progress it was now making continued, he saw no reason why some Members of the House might not, before this Parliament closed, reasonably ask it to carry out in principle the proposal of the Bill of the hon. Member for Stafford (Mr. Maconald). Now, however, the lines of a great and important measure were settled, and he thanked the House for the manner in which they had dealt with it. It was full of difficulties from the commencement; and he felt indebted to the hon. and right hon. Gentlemen on the Treasury Bench for the determination they had shown to remain firm to their original proposal in the Bill. He had no fear that this Bill would inflict wrong on capital; and, on the other hand, he had a firm conviction that it would do a great deal of good to the working people of this country. He did not apprehend that workmen would be able to obtain large sums in compensation for injuries they had received; but he did anticipate that the effect of this Bill would be to bring about greater care and supervision on the part of employers. And if that should be the case, then this Bill would have accomplished all the objects which they had in view in promoting it in Parliament.

SIR HENRY HOLLAND trusted that he might be allowed to say a very few words upon this Amendment, as the question raised by it was one of great importance and some difficulty, and no opportunity had been hitherto afforded of discussing it. He regretted very much that the Government could not see their way to accepting some change in the direction indicated by this Resolution. At present, some workmen under the Crown were compensated under an Act of Parliament,

others under a Treasury Minute. But the Treasury Minute was not a contract entered into with the men. They had no legal rights under it. If it could not be withdrawn without breach of faith towards existing workmen, it certainly might be withdrawn in the case of new engagements. There was no security to the workmen that the Minute would be continued. If the proposed change was made there would be no real difficulty in re-adjusting the terms of the contracts with the men, for this simple reason—that no contracts, so far as regarded compensation, would be needed, if the men were brought under this Bill. The only re-adjustment requisite would be, if thought necessary, a re-adjustment of wages. The hon. and learned Attorney General said, and said truly, that it would not be sufficient merely to bring the men within this Bill as it now stood, because the principle of the Bill was to put workmen on the footing of strangers in respect of recovering compensation against their employers, and strangers could not recover damages against the Crown. But if the principle, which he (Sir Henry Holland) urged upon the Government, was right—namely, that workmen employed by the Crown should be put upon the same footing as other workmen—it would not be difficult to give effect to that principle by altering the Bill; as, for instance, by enlarging the definition of “employer,” so as to include the Crown. He was quite aware that no change could now be made in that House; but he trusted that when the Bill came under consideration in “another place,” that some alteration would be made, so as to put working men under the Crown on the same footing as other working men.

MR. D. GRANT said, he entirely concurred in the principle of the proposal moved by the hon. and learned Member for Chatham (Mr. Gorst), and very much regretted it had not been accepted by the Government. In any case, however, he hoped that before long a measure would be brought in placing workmen under the Crown in the same position in these respects as other workmen. He did not see that any object would be gained by continuing the discussion. The Bill, as it stood, was in one sense a failure, and they had heard again and again that it would only apply to one-fifth of the accidents which happened in employments

throughout the country. It was certain that the question would not rest with this Bill; and as it would be necessary at a future time to provide some system of insurance to meet all accidents, he hoped the present debate would not be prolonged.

SIR H. DRUMMOND WOLFF said, he saw no reason why the Government should exempt themselves from a liability which they wanted to impose on other employers in the country. It was said that if the Government workmen got these rights they would lose other privileges they now possessed; but the same argument used against the Bill in the case of private employers was not received by the Government. He should support the Amendment; but would express the hope that the House would be spared the trouble of dividing by the Government giving some assurance that on some day they would take up the subject of the Amendment.

MR. CHILDERS wished to point out what, as it appeared to him, would be the effect of adopting the proposal of the hon. and learned Member for Chatham. He understood that under this Bill a workman, under certain circumstances, but not under all circumstances, would by process of law obtain from his employer compensation in the event of an accident befalling him in his employment, or his widow in the event of his being killed. He wished the House to clearly understand what was the existing state of things as between the Government and the persons who were employed in the manufactories, Arsenals, or Dockyards. The proposal made a short time ago, that the Amendment should not apply to Established men, was now given up, and the proposal now was that the change should apply to all workmen in the Dockyards, whether established or not. The present state of things was this — that an Established man, who might be injured to the extent of total disablement, might obtain from the Treasury, whatever the cause of the accident might be, a pension to the extent of not more than 5-6ths of his emoluments. It would not be at all unreasonable to capitalize that at 15 years' purchase; but even taking it at 12, the value would be equivalent to 10 years' wages; whereas by this Bill he would only obtain compensation which would be an equivalent to three years' wages. Sup-

posing he was not an Established man, the condition in that case was that he might get 45-60ths—that was, 3-4ths—of his emoluments for the time being. Taking that in the same way at 12 years' purchase, he would get as a maximum nine years' wages; whereas, if this Bill was applied, he could only get 1-3rd of that amount. So again, with respect to the widows. They might get no more than 8-60ths of their husband's pay; and, assuming 15 years as a reasonable value of that pension, it would be equivalent to two years' emoluments; and, in addition to that, they would get an allowance for their children. What they were asked to substitute for those liberal allowances was something much less; and that only in certain cases, and always after an appeal to a Court of Law. There was no question that the workmen in the Government employ, if brought under the operation of the Bill, would be greatly injured. He asked hon. Gentlemen who said they spoke on behalf of their constituents to say if there had been a request on the part of those persons to substitute anything like such a proposition? [SIR H. DRUMMOND WOLFF: They dare not make one.] They were not slow to make requests when they had reason for them, as he knew from experience, and he had not been slow in granting them; but there was no wish at that moment to substitute any such provision for the present existing Treasury Minute. And he said more, that the worst friends the Dockyard men could have would be their present Representatives if they succeeded in carrying this Amendment.

MR. A. J. BALFOUR asked whether private employers who now assisted in insuring their workmen in all cases of accident were expected to follow the Government example, and, if the Bill were carried, to withdraw their subscriptions? He most earnestly hoped they would not do so; but, if they did, they would only be following the example which the Government declared they would pursue should this extension of the Bill be carried against them. He contended that under the Bill, as it stood, only 1-10th of the accidents which might occur would be provided for; and he trusted that even yet it was not too late for the Government to say that they would deal with the question raised by the hon. and learned Member for Chatham.

Mr. MACLIVER thought the House should now agree to the third reading of the Bill, but hoped the Government would introduce a new clause to meet the case.

Mr. CHAPLIN said, that the Bill, as it stood, included live stock on a farm, and the people who had stockyards were liable to all the penalties inflicted by the Bill. This was inflicting a very serious injury on the farming interest at the present time. He wished that the hon. Member for Bedfordshire (Mr. J. Howard) were in his place, or that there were someone more competent than himself to represent the farming interest; but it must be obvious to everyone that a very great injury was being inflicted. The hon. Member had written a letter describing some accidents in which the owner of stock would be liable; and no doubt could be entertained for a moment as to the accuracy of the statements made by so good a supporter of the Government, and so practical a farmer. This course was the more surprising on the part of a Government which professed to support the agricultural interest. He was astonished that a Government which had been always professing that they were so anxious to legislate and bring in measures in the interest of the farmers should have selected the first opportunity they could of dealing what, he believed, would be a very serious blow and injury. He hoped, if not too late, that some Member of the Government would exercise some influence on the supporters of the Government in the House of Lords with a view to an alteration of the Bill.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that with reference to live animals, the Bill only dealt with the limited class of cases where defects existed owing to the negligence of certain servants in authority. It did not deal with the class of cases to which the hon. Member for Bedfordshire (Mr. J. Howard) and the hon. Member for Mid Lincolnshire (Mr. Chaplin) referred, unless it could be shown that there was some defect in the animal which arose from a want of care on the part of some servant in authority who had charge of the animal. Of course, he did not deny that there might be some such cases; but, really, they were very far-fetched cases. They were cases against which anybody could insure at the most insigni-

nificant rate; and he did not believe that the farmers believed the Government were inflicting the slightest injury upon them by this Bill. The farmers were only in the position of other people who had live stock.

Mr. W. H. SMITH said, everyone must feel that the enormous value of the interests affected by the Bill was so great that no time occupied in discussing it could be regarded as lost. He believed it would be practically impossible to maintain the distinction which now relieved the Crown from any liability to any action or claim at law for compensation in case of injury. Though Establishment men in the Government Dockyards had a claim to a pension, that claim was usually interpreted by the Treasury. He believed that the discretion of the officers of the Government in those cases had always been wisely and generously exercised; but there was a difference between that which rested on the discretion of Members of the Government and a claim of right which could be taken before a Judge. It was only in accordance with human nature that men generally should prefer to have what they were entitled to by law, rather than what they could only claim as a gratuity from the consideration of their employer. When he himself was at the Treasury and at the Admiralty he did not regard the Treasury Minute which was settled by his right hon. Friend opposite as a contract between the employers and the employed. The hon. and learned Attorney General had, however, laid it down that it was something from which the War Departments or other Departments were not at liberty to depart—that they must act on that Treasury Minute as they would act on a legal instrument. He was glad that that view was insisted upon by the Attorney General; but he thought it would be very misleading to suppose that the amount of compensation given often approached the maximum referred to by the Secretary of State for War. In practice the sum was frequently reduced by two-thirds, or one-half, of the sum specified as the maximum that might be given. The House must remember that after all this was not a final measure, and he regretted that an attempt had not been made to make it final. The hon. Member for Stoke-on-Trent (Mr. Broadhurst) encouraged the idea of revising this legisla-

tion within a few years. But it was to be regretted, as a matter gravely affecting the interests of different industries in this country, that they had before them the prospect of further disturbance in the relations between capital and labour, and of further difficulty in regard to the cost at which it would be possible to produce manufactures and materials. Nothing could be more certain than that, if they imposed new burdens on an employer, the price at which articles could be produced must be affected, and his trade must be more or less disturbed. It was therefore desirable, if they approached that question, that they should do so with a view to its settlement for some time to come. He thought it would have been better to have taken the final step now, and to have abolished the doctrine of common employment, leaving employers to make their own contracts with their workmen as best they could. Then they might have arrived at a state of things in which contracts for manufactures could be entered into, and trade carried on. There would be very great difficulty in stopping short of the final development of that principle; and it would, in his judgment, have been wiser to have considered that question as fully as would have enabled them to reach a final settlement, rather than that it should be taken up again next year, or soon afterwards, thereby causing further difficulty and derangement to industry. It was supposed that every person in employment would, under that Bill, have a security for compensation in the event of an accident occurring through the carelessness of a person in authority. But all who were acquainted with trade knew that a vast proportion of the operations in large works were carried on by sub-contractors to the principal employer. He did not know whether it was intended to make the principal contractors responsible for the acts of sub-contractors; but he found nothing in the Bill clearly having that effect. A sub-contractor was probably a man without any means of his own, or one whose means passed away when he had been paid for his work. Another point which occurred to him was that risky operations were very largely carried on by Limited Liability Companies in which the whole of the capital was paid up. Take a gunpowder mill, for example, carried on by

such a Company, whose shares were all paid up. If there was neglect, and an explosion occurred, the property was destroyed. There was no Company to be sued; there was no one who was liable; and, probably, the book debts were very small indeed. Perhaps there was a neighbouring powder mill which was the property of an individual, and the first step which the owner would take would probably be also to turn his concern into a Limited Liability Company, and thus defeat the object which the Bill had in view. That subject was a very large one. No amount of attention that was bestowed on it would have been lost; and he regretted that it had been taken up at a period of the Session when it was impossible for many Members to give it that careful attention which its great importance deserved.

SIR GEORGE CAMPBELL thought there was a great deal of truth in many of the observations which had fallen from the right hon. Gentleman opposite. If it were possible for that Bill to be re-committed, it would be a very good thing to do, and it would be a great misfortune if the Bill were not put upon a footing that would be to some degree lasting. In its present form they could hardly hope that the measure would be a permanent one. It was far from perfect; it could only be received as an instalment. He was convinced that until the doctrine of common employment was abolished they could not hope that the question would be finally settled; it would have to come before the House again before very long. That was due, to some extent, to the very inconvenient hour at which an important part of the discussion in Committee had been taken. He regretted very much that more time could not be secured for the full consideration of the Amendment which he had proposed with reference to injuries to children. At the same time, as a matter of practical politics, perhaps they could hardly have expected the Government to postpone other Bills in order that this one might have received a more deliberate consideration.

MR. MAPPIN animadverted on the exceptional legislation applied by that Bill to Railway Companies, expressing the opinion that, by his clause on that subject, the hon. Member for Bristol (Mr. S. Morley) had conferred on railway servants a very doubtful boon. It

was to be feared that the benevolent funds and the large sums of money which the Railway Companies now contributed for the benefit of their servants when accidents or misfortunes overtook them would be withdrawn in consequence of this legislation.

SIR STAFFORD NORTHCOOTE did not know whether his hon. and learned Friend the Member for Chatham (Mr. Gorst) intended to go to a division on his Amendment; but he wished to say a very few words on the point which had been raised in the same sense as his right hon. Friend the Member for Westminster (Mr. W. H. Smith) had spoken. They felt that that matter, which was one of the very greatest difficulty, and which had engaged the attention of the late Government for several years, had been very considerably advanced by the discussions on that Bill. At the same time, they felt that the Bill was by no means in the perfect state in which they could have wished it to pass into law. There was still, he hoped, time for a fuller consideration of some of the problems raised in regard to it in "another place," where, no doubt, attention would be given to the legal points it involved; and it was a great object for them to allow the Bill to pass that House as quickly as possible, in order that it might receive "elsewhere" the full consideration that it still required. It might be a question whether it could possibly, even with that assistance, be put into a form that would make it final; but there was no doubt that it could be passed in a very improved shape. The question raised by the present Amendment was certainly one of great importance and interest. In the position which he lately held he had felt, from time to time, very great difficulty in dealing with the question of compensation to workmen who had been injured in Government employment; and he did not think the case was quite so simple as it was represented by the hon. and learned Attorney General, who took rather a more legal view of Treasury Minutes than had, perhaps, been usually taken. That was a branch of the subject which required further consideration, and one on which it might be desirable that there should be some legislation. But if there was some legislation upon it, it would demand very careful discussion. He did not think it would be possible for them

now to devise, in connection with that Bill, any clause or clauses that would meet the difficulties which had been raised; and, therefore, he hoped that his hon. and learned Friend the Member for Chatham would not proceed to a division. He hoped, on the contrary, that he would be content with having done good service by the discussion which he had raised and the valuable opinions which he had elicited, and would now allow the Bill to be read a third time.

Question put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

SAVINGS BANKS (No. 1) (*re-committed*)  
BILL.—[BILL 273.]

(*Mr. Gladstone, Mr. Fawcett, Lord Frederick Cavendish.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Repayment by terminable annuity of deficit on Trustee Savings Bank Account).

MR. MAGNIAC said, he did not quite understand the position of this Bill.

THE CHAIRMAN: Clause 1, that this clause be agreed to.

MR. MAGNIAC: I understood that the discussion on the second reading of this Bill was to be continued.

THE CHAIRMAN: I am now in the Chair. I do not know what took place previously; but we must go on in the regular way with the Amendments.

MR. MAGNIAC: I do not know what position I can take. There was a distinct pledge given by the Prime Minister—"Order, order!" Well, if I cannot do this, it is a breach of faith on the part of the Prime Minister. I understand—

THE CHAIRMAN: The only way in which the hon. Member can speak is to move to report Progress. He can do that, if he considers it necessary; but if he does not, we must go on with the Amendments in the regular way.



MR. MAGNIAC said, he must certainly move to report Progress, because there was a distinct pledge given by the Prime Minister that a "full and fair opportunity," to use his own words, should be given for the discussion of the principle of the measure. The pledge was given in the most emphatic terms, and was perfectly understood by those to whom it was made; and to go on with the clauses of the Bill at the present moment was a direct and absolute breach of faith. ["No, no!" and a laugh.] Some hon. Members might say "No," and others might think it a laughing matter; but he could assure the Committee that that was nothing to laugh at. One of the largest interests in this country—that of the whole working population—and millions of money were involved. If the question were not large enough to discuss, and that, too, after the direct promise of the Prime Minister, he was utterly at a loss to know what Business should be discussed. The Bill had been on the Paper some 15 or 16 times. There used to be an honourable understanding in the House that when measures affecting particular interests were in hand, they should be put on the Paper at convenient times—when hon. Members representing those interests could be present. It used to be an understood thing that Bills dealing with the money interests should not be brought on at Morning Sittings, for the reason that those hon. Members who were interested in money, and understood financial transactions, found it inconvenient to attend early in the day. The hon. Member for South Essex (Mr. Baring) had complained to him (Mr. Magniac) only yesterday, in regard to that very Bill, that it had been put on the Paper, Morning Sitting after Morning Sitting, apparently with the intention of punishing those hon. Members who were interested in the matter by bringing them down morning after morning. He felt himself trammelled by no consideration for the interests of the Government on this subject, because, about two months ago, certainly six weeks ago, late in the evening, he had an opportunity of asking the Prime Minister after what hour he would not bring on the Bill. The reply was somewhat a sharp one, for the right hon. Gentleman had said that he would bring it on at any time the Forms of the House would allow. Night after night, and

day after day, he and other hon. Members had attended in their places to discuss the principle of the measure; and he could not help thinking that the course which had been adopted that day was one that would not commend itself to the sense of justice of the House, and certainly one which would not be found conducive to the satisfactory conduct of Public Business. He, for one, should take advantage of every form the House allowed to protest against the measure being gone on with. He should not have dreamt of taking this extreme course if he had been treated fairly that evening. He would put himself in the hands of the Committee, and ask whether, after a direct pledge had been given to him by the Prime Minister that the principle of the Bill would be discussed, he had not a right to take the course he had described? He felt certain that if the Prime Minister had been in his place the Government would not have insisted upon going on with the Bill. The right hon. Gentleman the Prime Minister would have known what had taken place with regard to it. There seemed to be an idea in some circles in connection with the Government, he did not know whether in circles permanent or moveable, but, at any rate, somewhere or other, there was an idea that those who wished to have a full discussion upon the principle of the Bill were opposed to its passing. That, however, was contrary to the fact. He did not wish to oppose the Bill; but he did desire to impress upon the Government that it was of the utmost importance that it should be thoroughly well discussed, especially when one remembered that there had been no debate upon the subject for 16 years. Sixteen years ago there was a discussion upon the subject of the Bill—namely, as to the Trustee Savings Banks. The principle of Savings Banks was beginning to be thoroughly understood in Europe, and England was held up as the author and originator of Savings Banks on the present lines. He held, therefore, that it was in the highest degree reprehensible to endeavour, on the 18th of August, to slip through a measure, dealing with Savings Banks, in the noise and confusion of the passing of another Bill on another subject. The course which had been taken by the Government was in direct contravention of the pledge given by the Prime Minister,

and was contrary to anything that he (Mr. Magniac) had ever seen in that House before; and he, for one, would not allow the Bill to pass without a strong protest.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Magniac.)*

SIR WILLIAM HARCOURT said, the hon. Member had spoken with considerable warmth; but what really had occurred? His noble Friend the Leader of the House (the Marquess of Hartington) had stated most distinctly, on more than one occasion yesterday and on Monday, amongst other occasions, that the Savings Banks Bill would be taken that morning after the Employers' Liability Bill. He had said that the Employers' Liability Bill was a measure which he hoped would be got rid of in a very short time, so that there would be ample time this morning to discuss the Savings Banks Bill. It was impossible for a more complete and full notice to be given than that which the right hon. Gentleman the Prime Minister had afforded to the hon. Member as to when the Bill was to be taken. The hon. Member had said that there was an honourable understanding that Bills having reference to money should not be taken at a Morning Sitting.

MR. MAGNIAO: I made no such objection as that.

SIR WILLIAM HARCOURT: The hon. Member certainly did. He spoke with such warmth that I think he must have forgotten what he did say.

MR. MAGNIAO said, he would distinctly assert that he did not say that Bills affecting money should not be brought on at a Morning Sitting. What he had said was, that, as a matter of courtesy, it was understood that in Ways and Means measures affecting money would not be taken at Morning Sittings.

SIR WILLIAM HARCOURT said, that was what he had stated. Everyone knew that the Bill was to be taken that morning. When the Leader of the Opposition (Sir Stafford Northcote) rose just now, every hon. Member must have been aware that the Bill then under discussion was coming to a conclusion. After he had spoken, the Bill was read a third time, and the Motion was then put "That Mr. Speaker do now leave

the Chair." He (Sir William Harcourt) was present in the House when that occurred, and he was sure other hon. Members also were in the House at the time, and would bear witness that there never was a Motion more deliberately put, because, owing to the accidental absence of the right hon. Gentleman the Chairman of Committees, there was some delay, much more than was usually the case. Therefore, the statement that this was an attempt to slip the Bill through the House was entirely unfounded. The question was put with much more than usual deliberation. There were two Notices of Motion on the Paper on going into Committee on the Bill; and if the hon. Member (Mr. Magniac) was so very anxious to have a discussion on the principle of the measure, it was surprising that he had not put down a Motion for this stage too. The two hon. Members who had Motions down were in their places when the question for going into Committee was put; but they remained inactive and had not challenged the Motion "That Mr. Speaker do now leave the Chair." The hon. Member who was now complaining did not do it, as he might have done; and, as there had been no attempt made to hurry the Bill through, he could not see what it was the hon. Gentleman had to complain of.

MR. E. W. HARCOURT said, he was not surprised at the course the hon. Member for Bedford (Mr. Magniac) was now taking, for the last time the Bill was brought forward he (Mr. Harcourt) had the honour of speaking to the Prime Minister about it, and of receiving from him a distinct pledge that ample time would be afforded for the discussion of the principle of the measure. More especially was it necessary, because the depositors who were legislated for by the Prime Minister were those who did not so much require assistance. There was a poorer class of depositors which really did require facilities given to it, and opportunities afforded to it by beneficent legislation, and that class was entirely ignored by the Bill of the right hon. Gentleman. He supposed, under the circumstances, it would be open to him to discuss the question of the principle of the Bill, and unless the Chairman ruled him out of Order he should proceed to do so.

THE CHAIRMAN: On the Motion for reporting Progress considerable la-

titude is, no doubt, allowed; an hon. Member cannot discuss the principle of a Bill, but only the reasons why we should not at once proceed with the consideration of the clauses of the Bill in Committee. The Chairman has no power to allow a general discussion on the principle of a Bill, as on the second reading, on the Motion to report Progress.

MR. E. W. HARCOURT said, that being the case, he would make his observations under the form pointed out by the Chairman. He would, in the first place, point out that, long before the first Notice was given by the right hon. Gentleman the Prime Minister of his intention to bring in this Bill, he (Mr. Harcourt) had a Motion down on the same subject. The day fixed for that Motion, he believed, was the very first day that was taken from private Members by the Government for Public Business; therefore, he thought he was entitled to some consideration in the matter. It was a mere accident that he was not in his place at the time the Bill came on, because, in common with many other hon. Members, he had thought that the previous Business would last a much longer time than it had done. And now he would give his reasons for thinking that there ought to be more consideration given to the Bill. When it was first brought forward, he and others interested in the matter were surprised that more notice was not taken of the poorer class of investors. Those investors, who were the least able to take care of themselves, had been entirely ignored by the Prime Minister. The question of raising the maximum deposits was discussed, and a provision was inserted in the Bill to effect that object; but not a word was said about lowering the minimum deposits, which was a thing of the greatest importance to the poorer classes. He knew how anxious the Government were at that time of the year to get through with the Business; but, considering the class of persons interested in the matter, he could not think that it was consonant with the feelings of the House to grudge a discussion on the wants and interests of those members of the community who were least able to help themselves. It was all very well to say that matters of principle could be discussed in Committee, as they were told when the second reading was hurried through the House.

*The Chairman*

The Bill was hurried through two minutes before the adjournment, and he was exceedingly surprised to find that such was the case, for he had heard it said just before that the measure was not to be taken that night. Two minutes after that statement, however, it was hurried through the second reading. A measure of that kind had been very much looked forward to by a large class of persons in the country, who were interested in the matter; and they had been in hopes that when the Bill made its appearance it would be of a much more extensive description than the present scheme of the Prime Minister. Everyone who knew anything at all of the matter was aware that the Post Office required great reforms before it could be said to be adequate to the position which they hoped it would occupy for the encouragement of thrift amongst the labouring classes. He (Mr. Harcourt) believed the right hon. Gentleman the Postmaster General had the interest of the labouring classes at heart as much as anyone else. The encouragement of thrift amongst these classes was a point of special importance in connection with this Bill. The other questions with regard to the increase of maximum and total deposits were questions more affecting bankers and the better classes.

THE CHAIRMAN: I must call the hon. Gentleman's attention to the fact that it has been distinctly ruled that no discussion can take place on the subject of clauses and Amendments that will subsequently come before the Committee. I observe that the hon. Member has a clause on the Paper, on which we can fully consider the subject he is now discussing. When we come to that clause he will have an opportunity of discussing the matter at any length he considers necessary. The hon. Gentleman is precluded by previous rulings from considering the subject of Amendments that have yet to come before the Committee.

MR. E. W. HARCOURT said, he would obey the Chairman's ruling most implicitly. Hitherto there had been very little difference in the nature of Postmaster Generals, whatever side of politics they might happen to belong to. He had attended deputations which waited on one Postmaster General, and he had in his hand copies of the replies which had been given to such deputa-

tions by previous Postmasters General; and there was such a pleasing similarity between them all, that he was forced to believe that a printed form was kept at the Post Office for the use of successive Postmasters General. As it had been ruled that he was not to go into the details of the Amendments on the Paper, he would content himself with saying that he hoped, when they went on with the clauses, that facilities would be given for enlarging the scope of the measure and facilitating investments by the poorer classes.

MR. FAWCETT hoped the hon. Member (Mr. Magniac) would withdraw his Motion. He could assure the hon. Member for Oxfordshire (Mr. E. W. Harcourt) that he had carefully considered every one of the suggestions he had made to him. Some of them, he would be able to show, he had already carried out; but he would reserve all observations with regard to them until the clauses came under discussion. All he wished to say with reference to the advantages of the Post Office Savings' Banks, he could say as well when the scheme came on as he could now.

EARL PERCY only wished to say one word, and that was with reference to the Motion for reporting Progress. The hon. Member who had moved the Motion complained that time had not been allowed him to bring forward a Motion upon which it would have been competent for him to discuss the principle of the measure. The right hon. and learned Gentleman the Home Secretary had corrected him, and had declared that more than the usual time had been given for the bringing forward of such a Motion, owing to the fact that the Chairman of Committees was, unfortunately, not in his place when the Employers' Liability Bill was disposed of. Well, he (Earl Percy) begged to corroborate what the hon. Member who had made the Motion had said, for, not knowing the stage at which the Bill had arrived, he had believed, from the action taken, that the measure was already in Committee. It was true that some delay had occurred in the Chairman of Committees taking the Chair. The right hon. and learned Gentleman must be aware that any lapse of time that could occur between the Motion being put—"That Mr. Speaker do now leave the Chair"—and the discovery, so to speak, of the Chairman of

Committees, had nothing in the world to do with the matter. The question was, what length of time was there before Mr. Speaker declared, "The Ayes have it?" Mr. Speaker having made the declaration, it did not matter whether the Chairman of Committees was present or not. Nothing could alter the statement from the Chair.

SIR WILLIAM HARCOURT said, he had been referring to the delay that took place before the Motion was made, "That Mr. Speaker do now leave the Chair." Mr. Speaker himself had remarked upon the delay, for he had put the Question to the Treasury Bench—"Is no one going to make the Motion that I do leave the Chair?"

EARL PERCY said, he thought the right hon. and learned Gentleman had said that the delay which the hon. Member (Mr. Magniac) could have made use of for bringing on his Motion occurred through the difficulty in finding the Chairman of Committees. He could only speak from his own recollection; but having come fresh into the House, he had thought, from what had occurred, that the Bill was already in Committee. If the Government would take important measures at that period of the Session, they must necessarily get into this state of confusion—confusion which was complained of quite as much on their own as on the Conservative side of the House, and which could not tend to the promotion of Businesses.

MR. MONK said, his hon. Friend (Mr. Magniac) had thought he (Mr. Monk) was rather amused at the tone in which his hon. Friend had spoken, and he certainly was, because he could confirm most distinctly what the right hon. and learned Home Secretary had said—namely, that Mr. Speaker, when he put the Question, paused a considerable time, and looked round him, before he said, "The Ayes have it." It was, therefore, perfectly clear that neither the hon. Member for South Essex (Mr. Baring), nor the hon. Member for Oxfordshire (Mr. E. W. Harcourt), were in their places. It was perfectly competent for the hon. Member for Bedford (Mr. Magniac) to have opposed the Motion for Mr. Speaker to leave the Chair, and he could have spoken as long as he pleased. There was no hurry whatever in the Motion being put by Mr. Speaker, and every Member of the

House had an opportunity of speaking, if he chose.

Mr. J. G. HUBBARD said, he was exceedingly sorry that this Bill had been again brought before the Committee. It had been already considered once, when the hon. Member for Cambridge (Mr. W. Fowler) had made a strong attack upon it on the side of the bankers. It was not, however, at all on the side of the bankers that he (Mr. J. G. Hubbard) would speak. He looked upon this as a great national question, and if he ventured to offer any observations, it was on behalf of the community at large. Looking at the interests of the depositors, and the general character of our financial arrangements, there was no standing ground for the measure.

THE CHAIRMAN: Order, order! The right hon. Gentleman cannot speak against the general principle of the measure on a Motion in regard to our proceedings in Committee.

Mr. J. G. HUBBARD said, he was speaking to the point. They had not had an opportunity of discussing the principle of the measure. He had been anxious to speak on it in the first instance, and he thought he had a right to speak on it. He was barred from it by the general proceedings of the House. He wished now to say why the Bill ought not to proceed further. Was not that in Order?

THE CHAIRMAN: The hon. Member would be in Order in moving a Resolution to the effect on Report; but, in Committee, the question is with regard to the clauses of the measure.

Mr. J. G. HUBBARD would say then, at once, that some of the clauses and Amendments that were proposed he did not agree to, and on that he would base his observations. He would begin with this—there were two points involved in the measure; one was—["Order, order!"]—he was speaking, not as a Party man at all, but on behalf of the character of our legislation; and if the Members of the Administration would not hear him, he had no remedy but to sit down. If the Government would not listen to argument and fact, and would allow legislation to be carried on in that way, he was condemned to a silent seat in the Committee. That was not the purpose for which he was sent there. He had thought he was sent there to take part in the work of legisla-

tion. If the Government would hear him, he would speak; if not, he would remain silent. Well, there were two or three points he wished to refer to on that Bill—one having reference to the National Debt. The measure was not warranted by the facts; but it had been assumed in its introduction that there was a deficiency in regard to the Trustee Savings Banks of £3,500,000. ["No, no!"] A certain Return had given the amount as £2,800,000, and he wished the Government to give further information on the subject.

Mr. HINDE PALMER rose to Order. He was very sorry to interrupt the right hon. Gentleman (Mr. J. G. Hubbard); but he did not think he could be aware of the actual proposal before the Committee.

THE CHAIRMAN: I must remind the right hon. Gentleman that the time to make a Motion to discuss the general principle of the Bill is on Report. I have not the power, as Chairman, to permit a general discussion as to the principle of the measure in Committee. Already the hon. Member for Oxfordshire (Mr. E. W. Harcourt) has assented to the ruling of the Chair, that any discussion on Amendments or clauses must be taken when the Amendments and clauses come on.

Mr. J. G. HUBBARD: I will resign myself to your ruling, Mr. Chairman. I will say what I can when I can.

Mr. MAGNIAC said, that every hon. Member was aware, and no doubt the Government were perfectly aware, that the Prime Minister had made a distinct pledge to him. Everybody was aware that, for the past two months, there had been Motions on the Paper by two hon. Members; one by the hon. Member for Oxfordshire (Mr. E. W. Harcourt), and the other by the hon. Member for South Essex (Mr. Baring). When the Employers' Liability Bill was declared to have been read a third time, there was considerable confusion. As to that, he was sure no one would contradict him. There was considerable movement on the Treasury Bench; some were standing, others were sitting. As soon as the Motion was made, "That Mr. Speaker do now leave the Chair," he (Mr. Magniac) got upon his legs ready with a Motion; but the confusion on the Treasury Bench was such that Mr. Speaker did not see him. The Motion was made from the T by an hon. Member

sitting in his place, and, as far as he knew, that was not a proper way for the thing to be done. Any hon. Member might have been doubtful as to what was being done; but if the Motion had been made by an hon. Gentleman standing, it would have been a signal to hon. Members that new Business was coming on. He must protest against the way in which he and others had been treated with regard to this Bill. But, as the conduct of the Business of the House must be the first consideration, he would ask leave to withdraw the Motion. That, however, did not alter his opinion as to the conduct of the Government in the matter. A distinct pledge had been given to him, and that pledge had been broken.

MR. W. H. SMITH said, he was present when the incident referred to took place, and he would venture to suggest a reason for the misapprehension which existed. He thought the title of the Bill—that was to say, the Order of the Day—was not read by the Clerk at the Table in the usual course. There was a little confusion at the time, and he (Mr. W. H. Smith) had addressed himself to the opposite Bench, asking what Bill was to be taken. He was then informed that it was to be the “Savings Banks (No. 1) Bill.” No doubt, there was a considerable confusion; but if hon. Members had been watching as carefully as he was at the time, they would have known that this Bill was coming on. Clearly, there was no intention on the part of the Government to take the Bill by way of surprise on Gentlemen who were anxious to oppose it. After one Bill had been disposed of, it was the usual course to read the next Order of the Day. The Clerk, however, omitted to read it in the ordinary way.

MR. HASTINGS said, he was sorry to contradict the right hon. Gentleman; but he, as well as his hon. Friends on his left and on his right, had heard the Clerk at the Table read the Order of the Day.

THE CHAIRMAN: Does the hon. Member withdraw the Motion?

MR. MAGNIAC: Yes, Sir; I asked leave to withdraw it.

Motion, by leave, *withdrawn*.

LORD FREDERICK CAVENDISH moved, as an Amendment, to insert the

words “per annum,” after “per centum,” in page 2, line 12. The Amendment was merely a verbal one.

MR. W. H. SMITH said, it would be convenient here to ask what the liability was in respect of which this provision was to be made. The clause contained the words—

“In pursuance of the Savings Bank Investment Act, 1863, the National Debt Commissioners annually prepare a balance sheet showing the assets and liabilities of the Commissioners in respect of Trustee Savings Banks on the previous twentieth day of November, and the said balance sheet has annually shown a deficiency of the said assets to meet the liabilities, and such deficiency has, in pursuance of the said Act, been declared by the Treasury to be a charge on the Consolidated Fund of the United Kingdom.”

Reference had been made to the liability of the State to the Trustees of the old Savings Banks. The right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard), a few minutes ago, was making an observation, when he was stopped by the Chairman, as to the liability of the State to the Savings Banks. His (Mr. W. H. Smith's) idea was, that there was some confusion as to the real liability to the Trustees; and he should, therefore, like to hear from the noble Lord the Secretary to the Treasury what he considered the liability to be?

LORD FREDERICK CAVENDISH said, the deficiency had been estimated hitherto by taking Government Stock at the market price of the day. Prices, of course, varied from year to year, consequently the deficiency fluctuated from time to time; but he thought the amount was really between £2,500,000 and £2,600,000. The right hon. Gentleman the First Lord of the Treasury had thought that this was not a satisfactory way of dealing with the deficiency, and that the best way of treating it would be to take a fair average price. It was, therefore, proposed, for the future, to reckon Consols at £92 6s.—that was to say, at a rate that would give 3½ per cent. Looking back over the past 20 years, that was not very far off the average rate. The right hon. Gentleman opposite (Mr. J. G. Hubbard) had said that there was no authentic information as to how £3,500,000 of a deficiency occurred.

MR. J. G. HUBBARD: I said £2,800,000.

LORD FREDERICK CAVENDISH said, a Return he held in his hand, dated 31st March, 1880, showed what the deficiency was. Stocks were valued in the way he had stated.

MR. J. G. HUBBARD said, that was not an answer to his query. What he wanted was an exact statement, showing how the amount now quoted as a deficiency of £2,800,000 was arrived at. He wished to see that in detail; because he confessed he was doubtful whether it was not got at by inferences from statements which he knew were likely to lead to mistakes. There could be no doubt that serious blunders had taken place as to the way in which these accounts were treated, and he did not wish the Committee to take a step which might involve serious consequences and additional taxation on the people without reasonable grounds. They were told that they must provide for the deficiency; and after having provided for such deficiency, by assuming an amount of which he really saw no evidence, the Government proposed to issue Terminable Annuities, to be paid off in a period not exceeding 28 years. He was of opinion that that was not the proper way of making provision. If they took the deficiency at £3,560,000, and said they would pay for it by Terminable Annuities of three years, they would simply be imposing an extra taxation on the people to the extent of £1,000,000 per annum. That would be intolerable; and he dare say that it was not the intention of the Government and they therefore proposed to meet the difficulty by providing Terminable Annuities for a period not exceeding 28 years, assuming, he supposed, that the amount of the deficiency was what was stated in the Bill—namely, £2,800,000. But he objected to the whole process by which it was proposed to pay off these Annuities. In 1858, a Report was presented to the House at a time when Sir Alexander Spearman was in the Public Service. That exceedingly valuable public officer declared at that time, that there was no necessity whatever for making any provision for the liquidation of the supposed deficiency. The deficiency to be provided, he said, was merely the result of certain complications, and if the affairs of the Savings Banks had been properly managed there would be no deficiency at all, but a surplus. He entirely agreed with the

report of Sir Alexander Spearman that, instead of being a deficit, there ought to be a surplus; but, in answer to the declaration of Sir Alexander Spearman, the Prime Minister told the House that there was a constant loss of interest, and that therefore the deficit would go on increasing. Now, he (Mr. J. G. Hubbard) denied that altogether. He was of opinion that there was no necessity for any deficiency in the interest at all, and if the Government did correctly that which they were in the habit of doing incorrectly, there would be no deficiency, but a surplus. He could not understand why they should take money provided by the savings of the people, and lend them again to the Public Works Loan Commissioners, for the purposes of the people, in a way that involved the Imperial Exchequer in a loss. Why should not the money, provided on the one hand by the people, be lent for carrying out public works on terms the same as those upon which it was received? The Prime Minister, in answer to that objection, said it would involve a mixing up of superior and inferior securities. The superior securities were Consols and Exchequer Bonds, and the inferior securities were, he (Mr. J. G. Hubbard) presumed, those which were given by the great Corporations throughout the country, who gave bonds payable with 3, 3½, 3¾, and 4 per cent interest. Whatever the investment of the depositors, the country, in each case, was equally bound and responsible to the depositors; and it made no difference whether the deposits were called inferior or superior securities. The Government would be wanting in the common appreciation of convenience if they were to abrogate these securities as the security for the Savings Banks, and were to hold them in Downing Street against Exchequer Bonds and Treasury Bills. The Bill stated the amount of the deficiency to be £2,800,000. He wished to ask, in regard to that statement, whether the Government had taken into consideration the amount of the Surplus Fund? That Surplus Fund amounted, he believed, to about £400,000; and it ought to be considered in the light of a diminution of the supposed deficit. He desired to know if regard had been had to the amount of the uncalled-for deposits, which were analogous to the unclaimed

dividends in the Bank of England, which had accumulated to a very large sum—indeed, even to millions? Perhaps the Committee would not be aware that, 20 years ago, Sir Alexander Spearman estimated the amount of uncalled-for deposits at not much less than £1,000,000 sterling. And if that were the case 20 years ago, the amount of these uncalled-for deposits must have been gradually increasing ever since, so that there would be a very large sum to deduct from the estimated deficit of £2,800,000. He wished to know if these facts had been taken into consideration in the amount of debt that was to be cancelled by the proposed Terminable Annuities? He was sure the noble Lord the Financial Secretary to the Treasury would not infer that he had any desire to treat the question as a Party matter. It was a subject with which he had been familiar for many years; and he must say that he did not see the necessity for this financial operation, which involved additional charges to the taxpayer, for the purpose of paying off a supposed deficiency. With regard to this particular clause, it dealt not only with the question of deficiency, but also with the question of the interest to be paid to the depositors. Perhaps he might be overstating the range of the clause; and it would, therefore, be better to stay where he was, and raise any further question afterwards.

Mr. CHILDERS said, his right hon. Friend who had last spoken (Mr. J. G. Hubbard) had alluded to two matters of fact, and had also suggested an amendment of the law in regard to Savings Banks. First of all, his right hon. Friend said that there was no deficiency in reference to the £44,000,000 of liabilities now outstanding and due to the Savings Banks depositors; that, in point of fact, the sum now outstanding in the name of the Trustees of the Savings Banks was the real amount that was due, because, some years ago, Sir Alexander Spearman said that a good many of the depositors had never put in a claim to their deposits. Now, he (Mr. Childers) did not think that that fact at all altered the liability. His right hon. Friend knew that the interest which the Government had been paying upon the Savings Banks deposits had, from year to year, exceeded the amount of interest they had received upon the investment; they had made of this money. But it

would be a most perilous matter if, in order to make these Accounts square, they were to make any considerable allowance under this head. After all, his right hon. Friend only made an allowance for a portion of the deficiency. His right hon. Friend said, also, that, as a matter of fact, the deficiency was not so great as was supposed; because, in the Account of last year, it was stated as £2,750,000, instead of £2,500,000. That had been explained already. The principle on which, as prudent financiers, they ought to act in dealing with the question, was to take the average value of the securities over a term of years, and not the actual value of the securities at any particular time. It was impossible to rely upon the value of Consols quoted in any given period of only three years. It would be most perilous to take the value of Consols during a few years marked by a great superabundance of money and a want of investment. They must take the value of Consols over a long period, including times of cheap and dear money, and of commercial depression and inflation. His right hon. Friend had drawn a distinction between first-class securities and second-class securities, and said that the Government gave to the Savings Banks Trustees first-class securities—namely, Consols and Exchequer Bonds; while they themselves invested in second-class securities in the loans which they made to municipalities and public bodies, whose security did not stand on the same footing as that of Consols. Therefore, the right hon. Gentleman said—for that was what his proposal amounted to—you should give credit to the Savings Banks Trustees at the rate which Government received from their own investments. If they credited interest in that way, the right hon. Gentleman said there would be no loss. But the natural answer to that remark was, what would be the position of the Savings Banks Trustees if the securities they held were only to be regarded as second-class securities? His right hon. Friend met that argument by saying that he apprehended behind these second-class securities would be the security of the Government. But that illustrated the evil effect of the position in which the Government had already been placed, for, as a matter of fact, the investments made by way of loan by the



Government during the last 50 years, as shown by a Return moved for by his right hon. Friend himself, after debiting losses, barely returned half their nominal interest—say, 2 per cent. One might thus see that the entire loss would not be small which would fall upon the Imperial Exchequer in respect of these second-class securities; while the whole advantage would be reaped by the Trustees of the Savings Banks, having, behind these, the security of the Government itself. He did not think that that was a species of finance that ought to be accepted and continued by that House; and he was of opinion that it would be much safer to accept the sound plan proposed by the Bill, of wiping off the deficiency by the Annuities which it would create. They would then be able to start fair with the Savings Banks; and if it was found necessary, after they had had some experience of the working of this arrangement, a still more accurate adjustment might be made.

MR. J. G. HUBBARD wished to explain. The money received from the Savings Banks did not go direct to the Public Works Loan Commissioners at all, and if they would insist on paying 3 per cent, and then lending the money they received on what really amounted to a less rate of percentage, it was not fair to charge the result as a loss upon the Savings Banks.

MR. CHILDERS said, that was exactly what he had stated, and in the long run they could not expect to be receiving more than 3 per cent.

MR. W. FOWLER thought that the present discussion showed the inconvenience of the debate on the second reading having been cut short. At present, they were rather in the dark, and it was necessary to ask for information. Perhaps the noble Lord the Secretary to the Treasury would be able to tell him exactly what the difference was which they were going to pay; because he held a Return in his hand, from which it appeared that the liabilities in 1879 were £44,192,000, while the assets were £40,626,000, leaving a deficiency of between £3,000,000 and £4,000,000. He wished to know if that was the actual deficit which was meant to be met by the Bill?

LORD FREDERICK CAVENDISH said, the Return quoted by his hon.

Friend the Member for Cambridge (Mr. W. Fowler) was made out in great detail for a particular purpose. The deficit in the Savings Banks Account had not arisen from paying too large an amount of interest in recent years; but was solely due to what he might call an original sin—namely, that there was a deficiency of £1,600,000 in 1844, when the rate of interest was reduced. When the elaborate quotations referred to by his hon. Friend were made, anyone who took the trouble to investigate them would find it was absolutely true, and part of the original sin, that they had paid more interest than they could afford. The deficiency which his hon. Friend had mentioned was the one which was dealt with by the Bill. The liabilities amounted to £44,192,000, and the assets to £40,626,000.

MR. W. H. SMITH said, he was at some difficulty in realizing what the actual liability of the Government was. There was a recognition of the liability of the Government to pay the full amount which the Savings Banks Trustees could properly claim from them. But his difficulty in the case was this, that it appeared to him an interminable arrangement if they once entered into it. It was proposed to set up Terminable Annuities, on the basis that Consols were only to be valued as really worth £92 6s. per cent. He should be the last person to recommend a higher value of property than it would justly bear. But, after all, what was this property? It was an undertaking on the part of the Government to pay to some person or other, not a certain sum of money, but the interest upon that money from year to year. They had already given an undertaking to give to these Savings Banks the sums they could probably claim. It did not seem to him that any additional property was secured to the Trustees of the Savings Banks, or that any additional security was afforded by the transaction now sought to be carried out. But there was this difficulty. They knew that the amount invested in Savings Banks varied from year to year very much. Under this proposal, in the event of there being an increased deposit, amounting, say, to £1,000,000 during the course of next year, the existing deficit, upon the assumption that the Stocks were only worth £92 6s. per cent, would be met by a Terminable Annuity. But a new deficit would have

been created. Some of the £1,000,000 might be invested in Consols at £98, and the new deficit would be the difference between £98 and £92 6s. Logically, a new deficit would have to be acknowledged in the following year, and, in order to meet that deficit, further provision would have to be made. He thought it would be seen that, if he was correct in this assumption, the transaction would become a very disadvantageous one to the country; and instead of being an expression of its liability, it would simply interpose an obstacle in the way of the fair settlement of the question. If they turned the liability into a Terminable Annuity, he was inclined to believe that, in a time of difficulty, they would find that a Terminable Annuity of this character was absolutely unconvertible. Therefore, it simply became a debt—an expression of an amount due to somebody. The right hon. Gentleman the Secretary of State for War had referred to an argument of the right hon. Member for the City of London (Mr. J. G. Hubbard) in regard to the actual liability. He (Mr. W. H. Smith) did not wish that that sum of money should be written off as a sum of money that should not be claimed under any circumstances; but bankers would recognize the fact that many sums were held which practically could not be claimed under any circumstances by persons having any right to claim them at all. It was estimated that a sum of money amounting to £1,000,000 was lying unclaimed as long ago as 20 years. If that sum of money were never to be paid, it seemed to him a little hard that this generation should have to make provision for it by providing a Fund that would never be required. What his right hon. Friend the Member for the City of London said was, that it was somewhat hard that the present generation should be called upon to pay, as taxes, a sum which was to make up an Account standing somewhere in the names of Trustees which was in excess of the demand that would actually be made upon such Trustees. He (Mr. W. H. Smith) must say, for his own part, that he had some hesitation in agreeing to these Terminable Annuities, because they did not seem to him to be able to settle the question. If the Fund increased next year, there must be another deficiency which they would be bound to

meet in some way, and they must know that the business which they were endeavouring to get rid of on this basis must be an unprofitable business.

Mr. MAGNIAC said, he did not exactly know what the order of Business was; but he should prefer to insert "one-eighth per centum" instead of "per centum," if such an Amendment would meet the wishes of the Committee.

THE CHAIRMAN: The Amendment at present before the Committee must be withdrawn before that can be done.

Amendment, by leave, *withdrawn*.

Mr. MAGNIAC begged to move, instead of the Amendment which had been withdrawn, that "one-eighth per centum" be inserted. He would give his reasons for moving that Amendment. His right hon. Friend opposite (Mr. W. H. Smith) had told the Committee that he did not see any reason for creating these Terminable Annuities. Undoubtedly, the argument of his right hon. Friend was logically correct. Terminable Annuities, very probably, would not, under certain circumstances, meet the exigencies of the case. The Committee would do well to remember that, from his (Mr. Magniac's) own side of the House, very strong reproaches were urged against the proposal of the right hon. Gentleman who was formerly Chancellor of the Exchequer in the year 1869 or 1870, because he paid off a large amount of the National Debt, and did not wipe out this amount of deficit upon the Savings Banks. It was represented to be a scandal and a reproach to English finance. That was perfectly true, and the amount must be paid in some way or other, whether they paid it by a sum down or by Terminable Annuities. They must have a certain amount, or an uncertain amount, and the best course was to reduce that uncertainty to a minimum. Now, he did not think that the course proposed by the Government was a course that would reduce that uncertainty to a minimum. The basis of this arrangement was stated by the right hon. Gentleman the First Lord of the Treasury, on the first afternoon on which he brought in the Bill. He stated that he made the arrangement on the basis of "3½ per cent, which was the well understood average rate at which the public could borrow." Now, 3½ per cent was the

interest upon Consols at £92 6s., and the meaning of that arrangement was that the Commissioners of the National Debt were to take up the assets of the Savings Banks at £92 6s. per cent, and, on taking them over, they would be bound, out of those Consols and Exchequer Bonds, to pay the principal sum for which the Trustees of Savings Banks were liable. The question was, did £92 6s. per cent represent the average price of Consols? That it did represent the average price of Consols he (Mr. Magniac) admitted at once. Everybody knew that. [An hon. MEMBER: No!] His hon. Friend opposite said "No." He could only say that he had tried to procure information from the most accurate sources he could find—from the records of the Bank of England—and he found that 3½ per cent, or £92 6s., in the shape of Consols, was the average price universally conceded. The question, then, was, was it right to take the average price? In the case of a merchant or banker, transacting ordinary business from day to day, it would be right to take the average price; but when they came to take the Savings Banks Funds, it was not safe to take the average price, because it was absolutely certain they would not get the average price; and the reason was a very simple one. In good times Consols were high. In good times, when the Savings Banks depositors deposited largely, securities were high, and the Trustees and the Commissioners of National Debt invested considerably above the average. But then came bad times, when the depositors were much pinched and were driven to withdraw their deposits; and it was equally a matter of certainty that the Trustees would be obliged to sell at a rate below the average. In dealing with the Savings Banks securities, it was not only self-evident that they could not expect to get the average value, but it was a matter of certainty that they must buy above the average and sell below it. To prove this, he should refer to the Parliamentary Paper which the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had circulated. It was a most instructive Paper. He had studied it with great care, and had made a rather curious examination, which he would endeavour to lay before the Committee as clearly as he could in round figures. Having worked out the

problem, he found that if the Consols which were in existence and in the hands of the Commissioners of the National Debt in November, 1844, had been taken at £88 16s., instead of at £92 6s., this would have represented interest at a little over 3½ per cent. Then, if the Consols had been taken at £88 16s., and the interest at the corresponding rate of 3½, the result would have been an equilibrium between assets and liabilities; whereas, by valuing the assets in 1844, and taking over the Consols at £92 6s., there was the deficiency shown on the Paper of something like £5,000,000, which a valuation of Consols at £88 16s. would have been liquidated. The only conclusion they could arrive at was that 3½ per cent was an insufficient amount at which to take over and accept the Consols belonging to these Banks. If they took them over at £88 16s., which was equivalent to 3½ per cent, they would have an article which they could sell afterwards at a sufficient price to meet their engagements.

MR. CHILDERS said, that the figure, 3½ ought to be 3¼.

MR. MAGNIAO said, that his right hon. Friend (Mr. Childers) had intimated that the figure 3½ was wrong. He asked the pardon of the Committee for the error, which, perhaps, had been occasioned by the little excitement occurring a short time ago which was not very conducive to arithmetic. The figure 3½ ought to be 3¼; but the amount, £88 16s., was absolutely correct. He should take occasion later on to refer to the very large amounts that were withdrawn from the Savings Banks in bad times, and to the fact that it was at such times that the Banks worked unsatisfactorily. He begged to move to leave out "one-fourth," and insert "three-eighths."

Amendment proposed, In page 2, line 8, leave out "a quarter," in order to insert "three eighths."—(Mr. Magniac.)

Question proposed, "That 'a quarter' stand part of the Clause."

MR. BARING said, he did not propose to follow the hon. Gentleman (Mr. Magniac) into the many ingenious calculations he had made, because, in fact, it seemed to him that he had added the original sum to the compound interest in order to make up the £8,000,000. He desired to say a few words about

what the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had happily called the "original sin," because he considered that the whole of the loss arose entirely from that original deficit, and its accumulated interest. From the statement which had been presented to the Committee, he found that the accumulated deficit from 1844 up to the present time would be £5,000,000. He found that the actual deficit was made to be £1,507,000; but in order to make up the £5,000,000, there were thrown in some figures from other deficiency columns which ought not to be introduced. Taking Return, No. 200, he found that there could not really have been an accumulating deficit; but there had been an accumulation of interest upon the original deficit. If there were a regular deficit every year on the Savings Banks, it would stand to reason that that deficit would steadily and regularly increase beyond the amount of the accumulative interest on the original sum by which the assets in 1844 were less than the liabilities. But he found they did not regularly increase by that amount. Sometimes they not only did not increase by that amount, but they increased by much less than the amount of the accumulative interest. Taking the years from 1863 to 1867, the increase of the deficit was very much more than the compound interest on the original amount. In one year, it exceeded the compound interest by £53,000; in another year, by £43,000; in another year, by £108,000; and another year, by £78,000; but in the seven following years, the deficit was actually less than the accumulative interest. He could not pretend to account for it, but in one year it was £31,000 less; in another, £29,000; in another, £24,000; in another £14,000; in another, £41,000; while coming to 1873, the deficit again exceeded the compound interest by £61,000. It seemed to him perfectly clear that these figures could not have been arrived at, and that these facts could not have occurred, if the working of the Savings Banks must be carried on at a loss. How to account for this he did not pretend to say; he much regretted that the Bill had not gone to a Select Committee, where these points might have been examined and cleared up. It had been said that the deficit arose from Stocks being sold when these

prices were low. He did not find anything of the kind; and he did not find, as a rule, that there was any very great pressure at any particular time, or did he find that bad times necessarily produced the low price of Consols. The hon. Member for Bedford (Mr. Magniac) had just mentioned that as a necessary effect; but it would be in the recollection of all persons that last year was one of the most unfortunate years we ever had for commerce, manufacture, and, above all, for agriculture; and yet, as a matter of fact, the price of Consols was never so high. It was perfectly true that there were more sales than purchases last year; but these sales being made at a high price, tended rather to the benefit of the Government than to their disadvantage. All this, he thought, showed there was something behind which they did not understand. It was for that reason he, some time ago wanted this Bill to be referred to a Select Committee. That, of course, was quite out of the question now for this Session; but it would be well if they did not proceed further with the Bill this year, because they ought to get at some of the facts which were concealed. He did not suppose they were intentionally concealed; but he confessed that, after an apprenticeship of 25 years in figures, he was unable to get at the cause of some of them. He regretted exceedingly the absence of the Prime Minister (Mr. Gladstone), who had had more to do with the Savings Banks Bills than perhaps any other man. It was stated more than once during the debate in 1861, that had it not been for the use of the Savings Banks it would have been impossible to have effected the conversion of Consols; and he would have liked on the present occasion to have had some explanation why it was that this loss was not progressive, and why it was that sometimes Savings Banks money could be so managed as to bring in more than the interest required? He would like information on these points, because he did not think they had yet sufficient proof that there was any real necessity for reducing the interest. He was sure there was no person in the Committee who wished to reduce the interest unless it was absolutely needed. He did not think there was any less necessity to encourage saving habits in the people than there was in 1844 and 1861. He

had conversed with gentlemen who had managed Savings Banks for many years, and the manager of one of the largest banks in England had told him that there was a very great fear if the interest were reduced—

THE CHAIRMAN: The proposal to reduce the interest comes on in Clause 2. We are now on Clause 1.

MR. BARING said, he would therefore only say that he did not see any reason for taking so low an arbitrary valuation of Consols. He did not think any merchant would do so, however anxious not to value his stock at too high a rate. £92 6s. 3d. was too low a price, and it seemed to him as if the Stocks were valued at that price almost on purpose to bring out the deficit.

LORD FREDERICK CAVENDISH said, he sympathized with the hon. Gentleman (Mr. Baring), when he regretted the unavoidable absence of the First Lord of the Treasury (Mr. Gladstone). He could assure the Committee that the right hon. Gentleman took so deep an interest in this Bill, that he (Lord Frederick Cavendish) had the greatest difficulty in preventing him attending there that day. He ventured to assure the right hon. Gentleman that, deeply as the House felt his absence, they would, under the circumstances, gladly suffer the inconvenience arising from it rather than he should run any risk. If he (Lord Frederick Cavendish) were not fully equal to his task, the Committee would, he was quite persuaded, extend to him their indulgence. He was asked by the hon. Member (Mr. Baring) for some explanation of the fluctuations on the increment of the deficit as shown in the Return, No. 200. Very little consideration, he thought, would show that this fluctuation was absolutely inevitable in the deficit. It depended, as the hon. Member had said, upon the sales and purchases of Stock, and it was also inevitable, because the prices of Stock changed from year to year. For many years, Chancellors of the Exchequer had been well aware of this, and when they had been negotiating loans, they had taken this fact into account. The Bill did not propose to deal with the past deficit only; but it proposed, having once for all got rid of that deficit, to prevent any new deficit arising, by enabling such a rate of interest to be given as experience showed the State could afford.

*Mr. Baring*

It had been said, in the course of the debate, that although they might wipe out the present deficit, another one would arise hereafter. That, he thought, would be prevented by an Act passed by the late Chancellor of the Exchequer (Sir Stafford Northcote); for that Act provided that, for the future, every deficiency should be met by the current year. Therefore, if they could once for all put this Account in a satisfactory position, they would have two securities. They would give such a rate of interest as they could with propriety give; and in case any deficit did arise, they could come to Parliament and ask for a Vote to make good the year. They would not then have the deficits amounting to a large sum. Now, with respect to what had been said by the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith), he entirely agreed with the right hon. Gentleman that the proposal to wipe out the existing deficiency had nothing whatever to do with the depositors in the Savings Banks, their security being perfect. From time to time Chancellors of the Exchequer came down to the House with magnificent programmes for the diminishing of the National Debt. Nothing of that kind was proposed now; but the Government did think that it was suitable to the position of the country that they should not allow debt to remain in this unacknowledged manner, but that the country should take the burden on itself, and, shortly, that was what the measure proposed to do. As to the Amendment of his hon. Friend to lower the valuation at which Consols were taken, he could only say that, if he were to accept that Amendment, the Bill might work in a very injurious manner. The right hon. Gentleman the Prime Minister, after full consideration with the financial authorities, had selected a figure slightly lower than it had been on an average during the last 40 years. That lowest average was found to be £93 5s., and the Government had taken £92 6s. He did not apprehend that figure was a vital matter; but, while on their part the Government was anxious to adopt means for wiping out the debt incurred in past years, they did not feel called upon to put an unnecessary burden upon the taxpayers. Therefore, it was that a sum somewhat under the average of past years had

been taken, and he hoped the Committee would adopt it.

MR. W. FOWLER said, he had listened carefully to both the hon. Members, and he thought the hon. Member for South Essex (Mr. Baring) had the best of it. He could quite appreciate the extreme caution of the hon. Member for Bedford (Mr. Magniac), but he went a little too far. When they considered the amount of money now seeking investment, and the amount, gradually increasing, of Consols held by large banks and by the Government itself, it must be admitted that, in the amount of Consols floating in the market, there was a tendency to diminution rather than to increase. So it might be anticipated that the average price of Consols would be higher than they had been accustomed to. He was disposed to think that the right hon. Gentleman the Prime Minister had gone very low in taking his figure, and he should be happy to take it a little higher. He could not, therefore, vote with the hon. Member for Bedford, and he would submit to the Government that £92 6s. was a very low valuation. If there was any error at all, it was in that direction, and he hoped the hon. Member for Bedford would not press his Amendment.

MR. W. H. SMITH concurred with the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish), when he stated that the Act brought in by his right hon. Friend (Sir Stafford Northcote) provided that the deficiency should be met year by year. That was true; but that Act required that the deficiency of interest should be met year by year, by a Vote of Parliament, but it did not provide for the deficiency of capital. This Bill proposed to meet the deficiency of Capital Account by substituting one book debt for another, by Terminal Annuities in 28 years or less. His (Mr. W. H. Smith's) contention was, that if there were an increase of deposits, amounting to £1,000,000 during the next year, if that £1,000,000 was invested in Consols at 98, the Government, under the Bill, would have to meet a deficiency of £60,000 on the principal. He did not understand that his right hon. Friend's Act, for which he was responsible, required the Government to provide both the deficiency of interest and capital; but if that was the view of those who brought forward the Bill,

they would have a very serious responsibility to meet; not only the payments under the Terminable Annuities which would be, at least, double the deficiency in interest now provided for, but they would have to make annual advances to the Capital Account. It did appear to him that that was an illustration of the extreme difficulty of fixing the exact price for a debt due by the Government of the country. He failed to see what additional advantage anybody had in turning that sum of £4,000,000 or less into a Charge to be annually paid off by a certain sum of money through the Bank of England, to the Trustees of Savings Banks, or the National Debt Commissioners. The deficiency of interest should always be provided for by a Vote of Parliament. Parliament was thus made conscious of the fact that they were paying a higher rate of interest than the security admitted of. There was no additional security by the Account being written out in the books of the Bank of England. He could understand it if the provisions of the Bill created Stock simply. That would be another matter, and it would be simply to take the Stock into the market for sale. But the Government could not—and the Financial Officers would confirm him when he said it—on a demand for money, take these Terminable Annuities into the market. They could not realize £92 6s. per cent. It was nothing more nor less than another expression for the same thing. They chose to call it a Terminable Annuity, and it was a book debt they said they paid off in 28 years. If the Resolution was embodied in the Bill, then £2,800,000 would be paid annually for 28 years to extinguish the debt. They did precisely the same thing as they were doing now. That was the whole of the financial arrangements proposed under the Bill. He should not put opposition in the way of the proposal, after fully stating his view; but he could not support the Amendment of the hon. Member for Bedford (Mr. Magniac).

MR. J. G. HUBBARD hoped the hon. Member for Bedford (Mr. Magniac) would withdraw his Amendment. He did not think that 3½ per cent was an unreasonable amount to take as the average, and that amount might be left as it stood. But in reference to the observations made by the noble Lord (Lord

Frederick Cavendish), who laid great stress on the Government not giving a larger interest than they could afford, that was an ambiguous phrase for a Finance Minister to use, and he (Mr. J. G. Hubbard) could attach no definite meaning to it. If they took  $3\frac{1}{2}$  per cent as what they could not afford, and 3 per cent as what they could, the deficiency would be shown by the amount of loss, £70,000. The difference between what they could and could not afford had been raised to a sum which by no means accounted for the enormous deficiency in the deposits. There was one point to which the noble Lord had not alluded. The proceedings of the Savings Bank were not confined to receiving the money of depositors, investing it, and paying it out when wanted. They embraced other and more important transactions. It was the money of the Savings Banks with which the Chancellor of the Exchequer manipulated his financial operations, and in that manipulation resided the continued loss which the country had to meet. It had been mentioned by the noble Lord that when the Government borrowed money for fortifications, instead of going into the market, they went to the National Debt Office, and the rate at which these Terminable Annuities were negotiated, expiring as they did at uncertain periods of years, was  $3\frac{1}{2}$  per cent. That meant borrowing on Consols at £80. He did not pretend to say that the National Debt Office sold Stock at £80 to provide the money for the fortifications; but suppose they sold at £88, they would sell out Stock and take up Terminable Annuities. But when again they had to buy Consols, at what price did they re-purchase? Now, the price was £98, and, therefore, let the noble Lord the Secretary to the Treasury turn his attention to this. Between the price at which the Savings Banks had sold Consols to provide the money for fortifications, and the price at which they had bought in again, there had been a very large difference; and so long as that occurred there must be a considerable deficiency in the Savings Banks Accounts. He did not hesitate to say that the deficiency, whether more or less, was owing to the result of the manipulation of the Chancellor of the Exchequer with the Savings Banks money rather than to any supposed excess of interest to depositors allowed by

the State beyond that which it was assumed they could afford. He hoped the hon. Member for Bedford would withdraw his Motion.

MR. MAGNIAC, in reference to what had been said by the hon. Member for Essex, said, that bad times did materially affect the price of Consols as regarded Savings Banks. Take 1866, a memorable year in Savings Bank history, and look at the Accounts of that year. It would be seen that when the operations took place, and there was the deficiency in the balance of the Commissioners in that year to meet liabilities, the price of Consols was 88. It was generally known that the Savings Banks Commissioners had been compelled at that moment to sell £700,000 worth of Consols, and thought themselves fortunate in being able to do so. There were times when even £100,000 Consols could not be sold. The most extraordinary statement he had heard in connection with the Bill was that which he had heard from the Secretary to the Treasury. The right hon. Gentleman the Prime Minister, in introducing the Bill, said the mode of computation was the average price of Consols, which he took at £92 6s. But now the noble Lord said the average was £93 5s. He did not know on which statement to rely. If the noble Lord altered the average as he pleased, then it removed the ground upon which he was prepared to take up his position, which was on the statement of the Prime Minister. He would not put the Committee to the trouble of a division; and it was idle to attempt to argue on the statement of the Prime Minister, when it was thrown over as it had been by the noble Lord.

Amendment, by leave, *withdrawn*.

Clause amended, and *agreed to*.

Clause 2 (Reduction of rate of interest in the case of Trustee Savings Banks).

MR. MAGNIAC moved, as an Amendment, in page 3, line 11, to leave out "fifteen" and insert "ten." He was afraid, however, it would not commend itself to the noble Lord the Secretary to Treasury, for it was on the same lines as an Amendment he had already proposed; but it had the high authority of the right hon. Gentleman the Prime Minister, and was based upon the principle which he had laid down. He thought it was generally admitted that

the attraction to depositors was not the rate of interest. That was amply proved, he was sure, by the fact that the Post Office Savings Bank, which only gave  $2\frac{1}{2}$  per cent, attracted depositors in much a larger degree than the Trustee Banks, which gave a higher rate of interest. It was difficult to say why the distinction should be maintained between these two classes of depositors. Why more should be given in the Trustee Banks than in the Post Office Savings Banks, he was unable to understand. The principle was unfair, and worked irregularly, for he found that the average deposit in the Post Office Banks was £16; while, in the Trustee Banks, it was £29. The depositors in the two banks were of different classes; and he was told that, as a rule, the depositors in the Trustee Banks were much more well-to-do than those of the Post Office Banks. A considerable movement was going on at the present moment with regard to Savings Banks, and withdrawals were taking place to a large amount; and from communications he had had with gentlemen who professed to be informed, the Trustee Banks had lost something like £750,000 by withdrawals this year. He had not access to the exact figures; but he would venture to say that some such movement was going on. That proved that the rate of interest was not the incentive to depositors, and was certainly not the moving cause that induced men to place their money there. He could not understand why they should maintain in these great establishments, undertaking great risks, a rate of interest which would entail a charge on the taxes. Some defence of the position of the Trustee Banks had been attempted, on the ground that the expense of management was greater in the Post Office Savings Banks; but there was a fallacy running through that upon which the right hon. Gentleman the Postmaster General could speak. The cost of management was put down at the rate of 11s. per cent; but he believed that the real cost did not amount to so much as that, for there was a considerable profit to the Post Office included in it. Throughout the world Post Office Savings Banks were becoming the rule. They were created to do the duty of receiving the money of depositors, giving only a moderate rate of interest, practically

amounting to  $2\frac{1}{2}$  per cent. It was larger in some places than in others; but it bore the same relation to the average rate of the country that  $2\frac{1}{2}$  per cent did to the average rate here. He was certain the day would come when the country would not be satisfied to pay a larger amount of money to the Trustee Savings Banks depositors than was paid to the depositors in the Post Office Savings Banks. The one class were entitled to no more than their brother depositors; therefore, he begged to move the Amendment which stood in his name, which would have the effect of equalizing the amount of interest paid to the two classes of depositors.

LORD FREDERICK CAVENDISH regretted he could not accept the Amendment. They had considered it their duty to reduce the interest to an amount which would cause no loss to the Exchequer; and, further than that, it would be unwise to proceed. He thought if the right hon. Gentleman the Postmaster General were present, he would say that he was not afraid, for the Post Office Savings Banks, of any competition on the part of the Trustee Savings Banks. As had been well pointed out by the right hon. Gentleman (Mr. J. G. Hubbard), the Banks appealed to different classes.

MR. J. G. HUBBARD could not agree to the proposal to reduce the rate of interest. The fact was, they did not see how the Government could manipulate the interest paid to the Post Office Savings Banks. Though they had only paid  $2\frac{1}{2}$  per cent interest, there was another charge on the expenditure of the Post Office Savings Banks, which came to 15s. on an average during the last five years. Taking last year, the amount was 13s., and that made £3 3s. as the amount the Post Office Savings Banks cost the country. That being so, he did not think there should be any allowance made for the Trustees Savings Banks; and if the hon. Member for the London University (Sir John Lubbock) had moved his Amendment he had made up his mind to support him, for his proposition took a middle course. All he could do was to oppose the clause, leaving the rate of interest as it now stood.

MR. E. W. HARCOURT said, that with regard to what had been stated in drawing comparison between the Trustee and Post Office Savings Banks during



the past 15 years, the increase in the Post Office Banks had been £23,000,000, and in the Trustee Banks £4,000,000, speaking roughly.

MR. D. M'LAREN pointed out that there was a great deal of trouble and expense, so far as the Government were concerned, in connection with the Post Office Savings Banks which did not occur in connection with the Trustee Savings Banks. He (Mr. D. M'Laren) was a Trustee of a Savings Bank in the City of Edinburgh, in which there was now deposited £1,241,000. In the trouble of paying that money into the Bank of Scotland, and transmitting it to the National Debt Commissioners in considerable sums, the Government had no share and no expense. They did not pay any postages, and they had no trouble with regard to small details, which were very numerous, in the Post Office Banks. With respect to the Post Office, the expenditure was 11s. per cent; whereas the other banks did not cost anything to the Government. It seemed unreasonable, therefore, that the Post Office Savings Banks, which involved so much trouble and expense, should receive £2 10s., and that it should now be proposed that the Trustee Banks should receive only the same sum. He had heard it complained that £2 15s. was too great a reduction, and that it ought to be £2 17s. 6d.; but his own opinion was that £2 15s. was a fair sum. In the City of Glasgow there was a Savings Bank which had £2,846,000 invested in it; that made £4,088,000 for these two banks, and that figure, with the deposits in the other Savings Banks in Scotland, was increased to £6,290,000. He believed the parties interested were pretty well satisfied with the state of things as it existed in the Government proposals; but if the great reduction proposed were agreed to, he thought it would be an injustice on the part of the House, and that it would excite great discontent throughout the Kingdom.

MR. H. ALLEN said, the hon. Gentleman near him (Mr. Magniac) said there was no reason whatever why the depositors in the Trustee Savings Banks should require more interest than the depositors in the Post Office Savings Banks. There was, however, one obvious reason—namely, that in the Trustee Savings Banks there was not absolute security for the money. Those who had paid attention to the subject must be

aware that failures did occur from time to time. They were not frequent; but still they did occur. He knew a gentleman who was a Trustee to a Savings Bank. The bank failed, and this gentleman, feeling that he had not exercised that amount of superintendence over the affairs of the bank that he ought to have exercised, paid out of his own pocket £4,000 to make up the deficiency that had occurred in the bank. Happily these failures, as he had said, were extremely rare; but he ventured to think it was important to bear in mind that in the Post Office Savings Banks no risk of this kind was run by depositors. It was said that £2 10s. was the average rate paid in other countries. Well, in France, with which country he was best acquainted, the interest paid averaged 4 per cent. In Austria, where the Savings Bank system was largely adopted, no less than 5 per cent was paid. In the latter country, there were a large number of depositors, and very large deposits were made. It seemed to him it was of vital importance to give every encouragement to depositors in the Savings Banks, whether they were Trustee Banks or Post Office Banks. He could not help thinking that the hon. Member was mistaken in his description of the large transfer from Trustee Banks to the Post Office Banks, because he found that statistics, in a Paper recently circulated, showed that, during the past year, those transfers had been £40,000 in amount; but that, at the same time, there had been, on the other hand, a transfer from the Post Office to the Trustee Banks of £12,000. Considering the very large amount of depositors in the Trustee Savings Banks, it appeared to him that the transfer of £42,000 out of £44,000,000 was a remarkably small one, considering how conveniently Post Office Savings Banks were to the residences of the depositors. For those reasons, he thought the propositions of the Government should be supported, and the Amendment rejected.

MR. COURTNEY did not think the hon. Member for Bedford (Mr. Magniac) had quite realized the effect of the Amendment he had put on the Paper. He had postponed it after the point at which it ought to have been introduced. In the clause they were now considering they had passed words which assured the Trustees of Savings Banks of £3 per

cent per annum. If he wished to reduce the amount allowed to depositors to £2 10s., he should have moved to reduce that allowed to Trustees to £2 15s. He thought that the reason for the proposals made by the Government had been well given by the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish).

MR. WARTON said, he was anxious to say a word, because no one seemed to have noticed the particular way in which the Trustee Savings Banks were carried on. His object in now rising was for fear he should be too late, because they were often too late in that House, if they did not take things in the nick of time. The proposition of the Government was to make the rate of interest to depositors £2 15s. That sum was an inconvenient one, as also was that suggested by the hon. Member for Edinburgh (Mr. D. McLaren)—namely, £2 17s. 6d., for the reason that one was at the rate of 6½d. in the pound, and the other was 6¾d. It would be more convenient to make it £2 18s. 4d., because that was 7d. in the pound. His proposition, therefore, would be that, instead of £2 15s., it should be £2 18s. 4d. He would move it now, if he could, or when he could; and he would ask the Chairman if he would be in Order in moving it now? He did not wish to be too late. The proposal he had to make would admit of the Accounts being kept in a clear manner, and would save half the staff of clerks.

THE CHAIRMAN: Order, order! If the Committee determine to leave out the word "fifteen," the hon. Member can move his Amendment. If the Committee affirm it, however, he will not be able to move.

MR. MAGNIAO said, his desire was, that they should not have to come back to Parliament for grants of money. He would not, however, give the Committee the trouble of dividing.

Amendment, by leave, *withdrawn*.

MR. WARTON said, he would now move his Amendment.

THE CHAIRMAN: The hon. Member may move to omit the word "fifteen," if he wishes.

MR. WARTON said, he would move that, and to insert "eighteen shillings and fourpence."

LORD FREDERICK CAVENDISH thought it was impossible to accept the

Amendment. The Government only paid the Trustees 3 per cent.

Amendment *negatived*.

MR. MAGNIAO said, he had an Amendment which was intended to supply what appeared to him to be an omission in the Bill. There did not seem to be any provisions for investing the accruing interest of the amounts received by the National Debt Commissioners. He begged to move, in page 3, after line 11, to insert—

"The National Debt Commissioners shall invest the accruing difference of interest arising from the securities held by them as assets in respect of Trustee Savings Banks, and the interest payable to the Savings Bank authority, in like manner as other moneys in their hands in that behalf."

Question proposed, "That those words be there inserted."

LORD FREDERICK CAVENDISH said, the accruing interest would be invested in future, as it was at present. The late Chancellor of the Exchequer had made provision that when there was a surplus, such surplus should be invested, and the present Bill made no alteration in that respect.

MR. MAGNIAO did not quite understand whether the amount referred to was to be paid into the Exchequer or not. He did not think it ought to be the case. The Savings Banks money ought to stand upon its own merits, and there ought not to be these deficits in regard to financial arrangements of a confidential nature. His own opinion was, that a different arrangement would even be to the advantage of the Bank depositors themselves. The matter, however, ought to be put beyond all question; and he hoped the noble Lord the Secretary to the Treasury would quite understand the position on which he (Mr. Magniao) placed it. He was quite willing to leave it to the noble Lord to inquire into the matter, and give an explanation on some future occasion, presuming that the noble Lord was of opinion that the Act made provision for these investments.

MR. CHILDERS said, he could assure his hon. Friend that the investments were quite covered by the provisions of the Bill as they stood.

MR. MAGNIAO said, that, under those circumstances, he was quite satisfied.

Amendment, by leave, *withdrawn*.

Mr. W. FOWLER (for Sir JOHN LUBBOCK) begged to move, as an Amendment, in page 3, at end of clause, to add—

(Interest on the separate surplus.)

“From and after the same day the amount at the credit of any Trustee Savings Bank in the books of the National Debt Commissioners on the Separate Surplus Fund Account shall carry interest at the rate of three per centum per annum, such interest to be credited half-yearly to the current account of such Savings Bank on the twentieth day of May and twentieth day of November in every year.”

At present, no interest was allowed; but he confessed that he was unable to see why that should be the case. There might be a good answer before the passing of the present Bill. He held in his hand a Return presented during the present Session—No. 180—from which it appeared that the Government paid an excess of interest to the Trustees of the Savings Banks for the year of £72,000. That had reference to the debts of which they had heard so much in the discussion of the present Bill. But now, if he understood the matter rightly, there would be considerable surplus. The sum of £1,411,000 would be reduced by about one-thirteenth, which would turn the deficit of £72,000 into a considerable surplus. There would, in point of fact, be more than £100,000 on the Savings Bank Account, which, set against the deficit of £72,000, would leave a balance of nearly £40,000. Therefore, the Government would be well able to pay interest to the Trustees of the Savings Banks. Under the altered circumstances, he thought it was only fair that this arrangement should be made. Therefore, on behalf of the hon. Member for the University of London, he would propose the Amendment which stood in his hon. Friend's name.

Question proposed, “That those words be there inserted.”

THE CHAIRMAN: I must call attention to the fact that this is not a new clause, and can only be moved as an Amendment to a clause.

LORD FREDERICK CAVENDISH said, he could not go to the full extent of the Amendment moved by the hon. Member for Cambridge (Mr. W. Fowler). Under the existing Savings Bank Act any surplus was handed over to the

National Debt Commissioners, and was invested by them. He could not think that with regard to the past the Trustees had any claim. They had been receiving a larger amount of interest from the Public Exchequer than they had paid to the depositors; and as the Government were now proposing a rate of interest which would cause no loss to the Exchequer, it was only right that the Trustees should receive interest on any surplus. He thought the arrangement had the advantage of being an economical one, and if his hon. Friend would withdraw the Amendment, he should be ready to move to add at the end of the clause, that—

“Nothing in Section 29 of the Savings Bank Act, 1853, shall require the Trustees of any Savings Bank to ascertain, certify, and pay over annually to the National Debt Commissioners the amount of any surplus, except when required to do so by the said Commissioners.”

He thought that that would meet the requirements of the case.

Mr. GREGORY suggested that it would be necessary to make some provision for the application of the interest which passed over to the Savings Banks, because it was provided by the Bill that depositors should not receive more than £2 15s per cent per annum. Was it to go to the depositors, or to the Trustees of the Savings Bank?

LORD FREDERICK CAVENDISH said, the object of the Amendment was to strengthen the position of the Savings Banks. It was not proposed to pay more than £2 15s, but the Trustees would be exempt from all liabilities.

Mr. W. H. SMITH said, the existing Savings Banks Fund accumulated in the possession of the Government would not carry interest; but any future accumulations were to carry interest up to 3 per cent. He thought it would be better that the whole Fund should carry interest. That would settle the question, instead of having it raised every year. As the matter now stood, banks which had managed their affairs successfully were not to receive any profits for having done so. The circumstances of these banks would in future be different from what they had been. The sum of £2 15s per cent was to be the sum given. In many cases, the sum which had been given had been £2 13s. 4d.; but there was likely to be a margin in future of 6s. 8d. per cent, which would be offered in order

to give depositors as much as possible, and their effort should be in the direction of giving £2 15s. rather than a less sum. It would be of considerable assistance to the banks which had been managed well, if they could have the addition of interest to the property they had accumulated.

MR. W. FOWLER did not think the Amendment suggested by the noble Lord the Financial Secretary to the Treasury would have the effect desired. He thought the Government might be more generous; but if he was to understand clearly that that was the intention of the Government he should have no wish to press the Amendment.

LORD FREDERICK CAVENDISH said, the words he had suggested would secure the result the hon. Member desired.

Amendment, by leave, *withdrawn*.

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. BARING said, he did not think that the clause ought to be passed. He had heard several assertions that there was a steady loss every year, and he had advanced certain figures which he thought showed a peculiar state of things. He now proposed to omit the clause, and that the Government should pay the same interest which it had hitherto paid to the Trustees of Savings Banks, because he conscientiously believed they could afford to pay that sum without incurring any loss whatever. The original deficit, with its own accumulated interest, had been sunk under the 1st clause of the Bill. He had no wish to tire the Committee; but there were figures which he wished to mention. In Paper No. 200 it would be seen that for the last three years the deficit had been over £3,500,000. He need not say that 3½ per cent on £3,500,000 was certainly over £100,000. He had the authority of the noble Lord for saying that it was over £110,000. And what had been the sum asked for, as estimated both by the late and the present Chancellor of the Exchequer, as the deficit required to be met? In 1877-8, according to page 379 of volume 49, the sum asked for was £77,000, which was certainly not over £100,000; in 1878-9, it was £79,000; in 1879-80, £73,855; and in 1880, this

year, the present Chancellor of the Exchequer estimated the deficiency of interest at £72,515. Yet the interest on £3,560,000, as stated in the Paper, would be over £115,000. So that after three years upon the last estimated deficit, they asked in the fourth year for £5,000 less for the year than they asked four years ago. Surely that showed that there must be something wrong in the allegation of a constant deficit. There could not be an increase in the deficit, and a constant loss, if this year they wanted some £5,000 less than they wanted in 1877-8. It was evident that if the deficit had been increasing it must have been from some operations of the Treasury. If the deficit that had to be met in 1877-8 was £77,000, and there had been an accumulated interest for three and a-half years, the figures were dead against the assertion that there had been an increasing deficit. He had handed over the figures for some clerks skilled in accounts to study, and they were certainly unable to make out that there had been a steady deficit. It was proposed now to wipe out the old deficit by the 1st clause of the Bill, and that clause he regarded as a very good one. But when that was once done, he maintained that it would not be fair to cut down the interest they were allowing to depositors until they had given a fair trial to the system, and ascertain that there was an actual loss. Under these circumstances, he begged to move the omission of the clause.

Amendment proposed, "That Clause 2 be omitted."—(*Mr. Baring.*)

Question proposed, "That Clause 2 stand part of the Bill."

LORD FREDERICK CAVENDISH said, the deficit which it was proposed to wipe out was not only that which was described in the Act of 1844, but that which had since accrued. With respect to the annual deficit not having increased, he had already explained that provision had been made for it by making a higher charge than was absolutely necessary to cover the actual outlay. That was, therefore, the reason why the annual deficiency voted by Parliament did not appear to be as large as might have been imagined. The reason had been already pointed out why the Savings Banks were to be self-supporting—the present rate of interest could not be

maintained. The interest paid upon the Post Office Savings Banks was only £2 7s. 8d., after allowing 2s. 1d. for the expenses of management. He did not think it would be possible to continue to pay the depositors in Savings Banks an interest, and at the rate of £3 5s.

MR. J. G. HUBBARD said, the noble Lord the Secretary to the Treasury (Lord Frederick Cavendish) had drawn a comparison between the Trustee Savings Banks and the Post Office Savings Banks; but the latter discharged themselves of all obligations in regard to expenditure and management. The Government only paid £2 10s. in regard to the Post Office Savings Banks, because they had themselves to pay the expense of management. Taking the average of five years, from 1875 to 1879, the interest paid averaged £660,000, and the expenses incurred £208,000. That meant £2 10s. in the shape of interest, and 15s. in the shape of expenses; and £2 10s. and 15s. amounted to £3 5s. Therefore, he found that the State had paid as much in regard to the Post Office Savings Banks as they had paid, perhaps unwillingly, to the Trustees of the Savings Banks. He thought the only solution of the difficulty was to drop the clause from the Bill altogether; and, therefore, he heartily supported the Amendment of the hon. Member for South Essex (Mr. Baring).

MR. S. LEIGHTON said, the proposal of the Government amounted to the imposition of an Income Tax of 1s. 6d. in the pound on the lowest class of Bank depositors—that was to say, on 500,000 people. It affected a class of persons who, in past years, had been induced to save by the security of a Government guarantee. He warned the Government that the course they were pursuing would have a most prejudicial effect. Hitherto, they had induced this class of persons to believe that, if they saved their money, they would be entitled to a certain rate of interest; and now they proposed, at one blow, to make a material reduction in that rate of interest. Next year, the Trustees of the Savings Banks would have to say to these unfortunate people—“Your interest on your savings, instead of being so much, is so much less.” He would defy any of the Gentlemen who were intrusted with the management of Savings Banks to make the depositors be-

lieve that they were not cheating them. They had been told that if they placed their money in the Savings Banks they would have a certain rate of interest under the Government guarantee; and they were now to be told that that rate of interest would be materially reduced. And on what grounds? The Prime Minister had formed one average, and the noble Lord the Financial Secretary to the Treasury another. But no average was founded on facts. It was the result of a combination of facts. It was a varying calculation, absolutely dependent on the term over which the calculation was taken. They had the highest authorities on that side of the House challenging the figures on the other side. They had, moreover, the opinion of the hon. Member for London University (Sir John Lubbock) in opposition to the Government. And on this doubtful evidence they were going to pass a clause which would affect most materially a very large number of persons, and those the most thrifty portion of the community, not one of whom was able to make his statement in that House or to be heard in opposition to the Bill of the Government.

MR. FAWCETT said, he felt it was necessary to make a protest against the almost perilous doctrine laid down that depositors in Trustee Savings Banks, or in Post Office Savings Banks, had a secured right to receive any particular rate of interest. The Government were not bound to pay for one day longer one more shilling than they could afford to pay. With regard to Post Office Savings Banks, there was no such guarantee to pay one sixpence more interest than they could afford. Suppose Consols rose to a high rate, and the current rate of interest became only £2 10s. per cent, then it would be impossible for the Post Office or the Trustee Banks to continue the rate of interest now paid. There would be a deficit if they did, and that deficit would have to be made good out of the general taxpayer's pocket. Anxious as he was to encourage thrift, it was indefensible that this encouragement should be given in these transactions at the expense of the State. The only obligation was that the deposition should receive the maximum amount of interest that the State could afford to give, but not a shilling of that interest should be thrown

*Lord Frederick Cavendish*

upon another section of the community who were not depositors in the Banks. With reference to another remark made by the right hon. Gentleman the Member for the City of London (Mr. J. G. Hubbard) he (Mr. Fawcett) had made careful calculations, which he would be glad to show the right hon. Gentleman, but which could not be conveniently gone into now. These calculations showed that, as his noble Friend had said, the expenses of the Post Office Banks were not 15s., but 11s. per cent. One argument which seemed to him conclusive with regard to this clause was that put forward by the noble Lord the Secretary to the Treasury. When Consols were at £98, it was impossible to invest money in Government Stock at  $3\frac{1}{2}$ , or anything like  $3\frac{1}{2}$ . You must invest in Stock that paid a higher rate of interest. All centred round the one principle that greater interest meant greater risk.

MR. MAGNIAC concurred in the protest against the doctrine that the State guaranteed a high rate of interest. He should vote in favour of the clause.

MR. BARING agreed that the country ought never to be called upon to pay more than it could afford without taxing the community; but it was because he still held that the country could pay  $3\frac{1}{2}$  per cent without loss that he persisted with his Amendment. The noble Lord the Secretary to the Treasury had, to a certain extent, confessed that the country could pay this  $3\frac{1}{2}$  per cent without putting their hands in the taxpayers' pockets, and there ought to be a chance of having that fairly tried, when the original sin and its consequences had been swept away by this Bill. If Consols were at 98, he (Mr. Baring) must acknowledge any money put into them would not pay  $3\frac{1}{2}$  per cent; but he did not know distinctly that the average cost of the whole amount of Consols held for accounts of Savings Banks would be too high to pay  $3\frac{1}{2}$  per cent. But if so, there were other funds perfectly safe in which the money might be put, and it would be preferable to place the money there to reducing the rate of interest. There was the Canadian Guaranteed Loan, and there was the Metropolitan Board of Works Loans. Both of those gave more than  $3\frac{1}{2}$  per cent; and he mentioned them because he found there

had been money invested in both in 1878. No doubt, the Canadian would in case of large purchases soon command too high a rate; but he thought the Metropolitan Board of Works might be relied on for an unlimited time to provide a field for investment. If he obtained any support he should go to a division.

MR. W. H. SMITH said, he was unable to support the Motion for the omission of the clause. It was with great regret he faced the necessity of a reduction in the rate of interest in Trustee Savings Banks; but, looking at the price of Consols now, and the rate of money in the open market for a long time past, he could not bring himself to say that the Government could afford to pay, either on existing transactions or on new transactions, so large a rate as £3 5s. per cent. It was, as he had said, with great regret he came to the conclusion, and he did so from the present, not the past, condition of the market. It was not necessary to prove that every Government for the past 40 years would not have paid £3 5s. per cent; what they had to consider was, what they could afford to pay now; and he thought the State must lose if they continued that rate, and it would, therefore, be improper to continue it. While he agreed with what had fallen from the right hon. Gentleman the Postmaster General just now, his own conviction was that, directly and indirectly, the cost of conducting the Post Office Savings Banks was greater than 11s. per cent. He meant, taking into account the charges that indirectly resulted from the employment of a large staff, and in pensions in the future, and other charges, that must be taken into the liabilities of the Department. It was not their duty to tempt people to deposit money, but simply to give them as much as they could honestly afford. That might happen to be £2 10s. in Post Office Savings Banks and £3 in Trustee Banks; and if that was not sufficient to attract depositors, then they were better without them. The State was not justified in holding out inducements which it could not afford. Looking at all the circumstances, he did not think that the clause could be omitted, though it was with great regret he found the reduction necessary, and he felt that it would be taken unpleasantly by a large number of depositors.

Question put.

The Committee *divided*:—Ayes 153; Noes 21: Majority 132.—(Div. List, No. 119.)

And it being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow*.

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 19th August, 1880.

MINUTES.]—PUBLIC BILLS—*First Reading*—Employers' Liability (199); Drainage and Improvement of Land (Ireland) Provisional Order (No. 4)\* (200).

Committee—*Report*—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3)\* (192); Bastardy Orders\* (191); Consolidated Fund (No. 2)\*.

*Third Reading*—Local Government Provisional Orders (Bethesda, &c.)\* (116); General Police and Improvement (Scotland) Provisional Order (Forfar Gas)\* (189); Railways Construction Facilities Act (1864) Amendment\* (196), and *passed*.

### EMPLOYERS' LIABILITY BILL.

(*The Lord Chancellor.*)

#### FIRST READING.

Order of the Day for the First Reading, read.

*Moved*, "That the Bill be now read 1<sup>st</sup>."  
—(*The Earl of Redesdale.*)

LORD BRABOURNE observed, that when the Bill was brought forward for second reading it would be his duty to make a statement with respect to it on behalf of persons who considered that their interests would be prejudicially affected by it. He did not propose, on the second reading, to move a hostile Motion; but he intended to submit certain Amendments in Committee. He hoped the Government were in a position to state when they would propose the second reading of the Bill, and, if that were agreed to, for what day the Committee would be fixed.

THE LORD CHANCELLOR said, he proposed to move the second reading on Monday next, and, if their Lordships were willing, to move to go into Committee on the Thursday following.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) suggested that Tuesday would be a more convenient day to many Peers than Monday.

THE LORD CHANCELLOR said, that being the case, it would be for the convenience of the House that the second reading should be fixed for Tuesday, on the understanding that no objection would be offered to the Committee being taken on Thursday.

Motion *agreed to*: Bill read 1<sup>st</sup>; to be *printed*. (No. 199.)

## SOUTH AFRICA—THE ZULU CAMPAIGN —MILITARY ORGANIZATION.

### MOTION FOR A PAPER.

LORD STRATHNAIRN rose, in pursuance of Notice, to call attention to the despatches of Lord Chelmsford and other military officers reporting the operations against the Zulus; to the despatch of the Secretary of State for War, informing Lord Chelmsford that the Government would send 1,000 Marines to reinforce the troops under his command, and that no more young battalions would be sent to South Africa; to the proceedings of the Court of Inquiry on the action at Isandula, and to Viscount Cranbrook's speech at Sheffield on the 6th of June, 1879. He had also given Notice that he would call attention to the debates in that House in which the Representative of the War Office agreed with His Royal Highness the Commander-in-Chief that the long service with pension and the short service without pension should work *pari passu*, co-operating with each other; and to the General Order of the 5th of May, 1871, suspending recruiting for the long service with pension till further orders; and that he would move for a Return of the annual expenses (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation up to the 1st of April, 1880; of the expenses of the maintenance of the families of the Reserve during the time the husbands were called to arms on the Russian emergency; and also the annual expenses of the brigade depot system from its creation up to the 1st of April, 1880. The noble Lord said: When, on the 9th of July last, I called your Lordships' attention to the Zulu War, the noble Viscount (Viscount Cranbrook),

with his characteristic vehemence, accused me of "having raised questions which reflected on officers' characters who had no one to defend them there," he did me, no doubt unintentionally, a great injustice, and disregarded positive fact; for I never used the word "officers" which the noble Viscount put in my mouth; and as regards officers having no one to defend them in the House, I had hardly uttered the words when the late Lieutenant General commanding in South Africa disproved the accusation by rising from the back Benches, declaring, with very proper energy, that he was ready to defend himself to any extent. The inquiry when the Government would lay on the Table the proceedings of the Court of Inquiry, whose special mission it was to examine and report on the causes of the reverses in South Africa, where the noble and gallant Lord had held the chief command, naturally caused the noble and gallant Lord to be present in the House. Last year I put on the Paper a similar Notice, and only put it off on account of the arrival, the day before, of the news of the noble and gallant Lord's success at Ulundi, which the illustrious Duke the Commander-in-Chief was graciously pleased to call an act of generosity, a merit to which I lay no claim; my only wish being not to mar the general joy, not to cast a shadow on the silver lining of the dark cloud which has hung so long over South Africa. My object, both this year and last year, is to safeguard the good name of the Army; and if the noble Viscount (Viscount Cranbrook) had honoured me with a little patience, he would have learnt from the passages in my speech which followed his interruption, and which I had shown to friends before I addressed your Lordships, that what I said was—

"That nothing could be more unfair than to place all the blame and responsibility of South African reverses on the officers and soldiers engaged in them, as they were the victims of an experimental, unmilitary, and impracticable Army Reform"—

the short-service system, framed by a civilian War Minister, whose talents and zeal qualified him for any civil employment; but who knew no more of Army matters or military feeling or spirit than your Lordships do of Push-too, which is the language of the Afghans. Another consequence of a

non-military War Minister is his ignorance of the difference of organization of an English Army and foreign Armies, which causes him to commit the greatest blunders probably ever perpetrated by a Minister or a statesman, as I will presently show. The anomaly of a civilian Minister of War, who has a peculiar privilege of making vast tentative and expensive Army changes without concert with the Commander-in-Chief, is a matter of astonishment to all European Governments and Armies. We laugh at the Turks for their system of interchangeable Pashas and Ministers, for making a "Capitan Pasha a Seraskier Pasha," and *vice versa*; but we do the same. Another unfavourable consequence of this anomalous system is our hybrid, half-civil, half-military education for officers, the principle of which is that a young man, a spoilt child, a dear boy, who does not know his own mind, may be educated for the Army in order that if he does not like it he may leave it and try something else. To illustrate this by a domestic example, we should be sorry to possess a coachman who had begun his career as a cook; we should not be consoled for broken bones by this *maladroit* driver's *empoisonneur* dinners. But, without these hybrid amateurs, we have abundance of young men with high military feelings and instincts of the same material as those who won, and I hope will hold, India for us, and who, like our pension soldiers, make the Army their lot, and are ready to sacrifice life and health to their duty and the Army's success. Our education is, except a year at Sandhurst and foreign languages, essentially civil—a part, abstruse sciences difficult to learn, which never can be of use to the combatant officer; and another part, immoral and debasing literature, which vitiates the tastes, occupies and usurps the time and understanding of the future young officer, preventing his study of the elementary rules of his Profession, and diminishing their importance in his eyes, besides diverting his early hopes and ambition of distinction in the service of his Sovereign and his country into channels tainted by the study of antique depravity and of modern works in the style of French novels. I stated in the House last Session that no honest Englishman would give this education to his children. I now come



to historical evidence of how often the neglect of the simple precautions of the art of war—medical causes of efficiency, faulty organization, mistaken military instructions, and discipline, &c., equally with neglect of great strategical principles—have caused the defeat of Armies and of the cause which they defended. Jena was lost because the instruction of the Prussian Army, whose equipment and physical efficiency were all that could be desired, was limited to perfect mechanical drill and movements without strategy or object either for offensive or defensive purposes. Napoleon the First, perfectly informed of this fatal error, commanded and destroyed their centre with concentrated artillery fire from both flanks and centre, following up this overthrow of the Prussian centre by an attack on it of columns in mass. Mechanism had not provided or instructed for this strategy, and Prussia was lost. In 1829, the Russian Army at Adrianople was so disorganized by a “medical cause,” sickness, and general inefficiency, after a long and trying campaign, that they were unable to march to take possession of Constantinople, although its fall was so imminent that Lord Heytesbury, our Ambassador at St. Petersburg, wrote to the Government at home that at the time they received his despatch the Cossacks would be in the suburbs of Constantinople. Austria lost Magenta because the reserves were not brought up, and for want of vigilance. No vedettes watched or guarded the ford across the Ticino, and thus Marshal MacMahon was enabled to pass it unseen at that point and double up the right of the Austrian line on the other side. At Sadowa the same want of vigilance was attended with the same result. The *corps d’armées* of the Guards, under the Crown Prince of Prussia, advancing from Silesia unopposed and unobserved, except by two vedettes, who were taken, took the Austrians right in flank before they could change their front; and their consequent defeat, after a most gallant defence, enabled the Prussian Army to advance through the Moravian passes to the neighbourhood of Vienna. Sedan was another Jena, with as fatal consequences. At no period of their history had the French Army ever displayed more gallantry, devotion, and great military qualities,

not excepting that crowned by their brilliant success and capture of the Malakhoff at the close of the siege of Sebastopol. But with neglected discipline and instruction, and without strategy and power of concentration, they could not cope with Count Moltke’s admirable strategy and concentrations. Sedan, as a battle and its consequences, was a second Jena. When, by Her Majesty’s pleasure, I went to Berlin on a military mission for the meeting of the three Emperors and the manœuvres on that occasion, I heard with great pleasure the high and generous eulogiums which the Prussian officers bestowed on the French Army, and their regrets that such great military qualities, heightened by brilliant military fame, should have been sacrificed to neglect and mismanagement. They said that symptoms on the very field of battle proved that the debasing literature which I have so much commented upon, as forming part of our competitive military examinations, had been more cultivated than the art of war. The victory of the Prussians was complete; but the retreat of the remains of the Army, perfectly conducted by General Vinoy—that excellent soldier who had been one of the first to enter the Malakhoff—showed what French troops could do, even under those most trying circumstances, under a General whose fortitude and resolution had always proved themselves to be as great as his military ability. And history will record how military disasters in the field in South Africa were caused by an unmilitary and perverted education, competitive examination in Chaucer and Spencer, and the medical cause of inefficiency of the soldiering from under age. A change for the worse and a cloud came over the fortunes of the British Army when, in 1870-1, the Minister of War upset the old system of long service, with reserves, under which the British Army had carried in success their colours all round the world in defence of British rights. It was with pension Armies that the battle of Minden was won against great odds by General Stuart; that Sir Ralph Abercrombie forced General Bonaparte to sign a Convention to evacuate Egypt with his Army; that Sir John Moore, who was mortally wounded, after a very harassing retreat and forced marches, turned round and repulsed the enemy, who wished to cut him off from

his ships; that the Duke of Wellington, rescuing Portugal and Spain from foreign military despotism, fought his way through the Pyrenean passes and took possession of the South of France; that he won Waterloo with the assistance of our gallant Prussian Allies; that Alma and Inkerman were won under Lord Raglan; and that India, almost lost, was saved in actions fought in the vicissitudes of great heat and hardships. This Army, which, to say nothing of its other conquests, had won, by having been led by the Duke of Wellington, the gratitude of Europe for having contributed more than any other Army to restore to her nations their liberties, was done away with by the Minister of War, to replace it by a perfectly novel military organization, of which the governing principle was short service without pension. But this governing principle was founded on an inconceivable misconception, for the Minister of War stated in the House of Commons that his short service was a faithful copy of the Prussian short service, and that it lay at the root of all his Army reforms. But this was an impossibility, the Prussian recruiting system being as different from, and as much opposed to, the English system of recruiting as negative from affirmative. The Prussian system of recruiting is compulsory, despotic, rigid conscription; while the English system of recruiting is constitutional and perfectly voluntary. The results of this fatal mistake were disasters; for while the Prussian compulsory recruiting obtained for the Prussian Army the flower of the Prussian population at the age of manhood—20 years—and with an Army thus recruited the Prussians made themselves masters of Paris and of France, the English voluntary recruiting system, having lost the attraction of pension which enabled our recruiting officers to obtain the pick of the labour market, could only recruit the refuse of the labour market, boys and lads of 18, to whom the civil employer would only give boys' wages. The military Medical Profession are unanimously of opinion that the constitution, muscles, and bones do not harden, are not strong enough to bear the weight of the knapsack, appointments, &c., in the field till 20 years of age; consequently, the English Army is not efficient for the field from 18 to 20 years of age. But this disadvantage

was increased two-fold by fraudulent enlistments, by men who swore in their attestation papers that they were 18 years when they were under that age—from 18 to 15 years. Recruiting, in consequence of the curtailment of the pension, had become so unpopular and had diminished so much, that the War Office, to keep up the paper strength of the Army, as voted in the Budget, felt themselves compelled to shut their eyes to fraudulent enlistments, and the ranks were encumbered with these perjured recruits—that is, very under-aged men. I have shown that the short service originated in an inconceivable misconception, and that the education of officers is more civil than military, and, in part, debasing and immoral; that the direct consequence of short service without pension is under-age, which engenders physical, and, therefore, necessarily moral, collapse. Hence the frequent panics in the operations in Zululand. Two important facts also show that the long service with pension obtains recruits of the best physique in the labour market; and I shall now have the honour to submit to your Lordships proof that the long service with pension is far more popular amongst the recruiting classes than short service without it. This is proved by two undeniable facts. The first is as follows:—In 1870, in the discussion which ensued on the introduction of the Army Enlistment Act—that is, of short service without pension in co-operation with the long service with pension—the Commander-in-Chief stated that short service was a tentative measure, and that it might increase the area of recruiting; but he believed that long service with pension was better adapted to good recruiting than short service, and that, in the end, it would be more advantageous to the Service. The Under Secretary of State for War assented fully to this sentiment, and said that not only should the short service run *pari passu* with the long service, but that it should assist it; and the illustrious Duke stated that, on this understanding—that is, that the two services, long and short, should work together, and run *pari passu*—he would vote for the second reading of the Bill. A few months afterwards, in 1871, the Inspector General of Recruiting informed the Minister of War that the long service system was so much more popular amongst the recruiting classes that short

service recruiting would be completely distanced and discredited, unless some decided measures were taken to assist the short service. On this, the Secretary of State for War, in spite of his engagement with the Commander-in-Chief, issued the General Order of the 5th of May, 1871, discontinuing the recruiting for long service. The second fact, which proves the unpopularity of the short and the popularity of the long service system, is as follows:—In 1878 the Secretary of State for War stated, in a speech at Sheffield, that he had been accused of extravagance in spending public money; but that the charge was not reasonable, as part of the expenditure had been rendered necessary by the abolition of Purchase, and that the other was caused by the falling-off of recruiting—that was, the short service, in consequence of the absence of a monetary attraction. Here we have at once, on the authority of a late Secretary of State for War and a Cabinet Minister, a proof of superior attraction to recruiting of the pensions. And he continued that, to prevent England sinking into the indignity of a shop-keeping nation, he had given to the Army the inducement of deferred pay. It is to be observed that the late Minister of War only spoke of the attraction of pension, and it was prudent that he did so. For he could not have urged, as he could have done in favour of the pension, that it was the best guarantee of the soldier's discipline and contentment with the Service—that it was the star which led him through all the hardships and sufferings of campaigns of tropical climates, reminding him that good conduct as a soldier would insure him this reward for long and faithful service by a grateful Sovereign and a generous country—independence when old and infirm, and his cottage, with his kith and kin, instead of the isolation of the workhouse. Whereas, on the other hand, deferred pay possesses all the disadvantages of the lump sum of money in the hands of the lower classes, whether it be bounty, to which Lord Cardwell objected so much, on the score of undiscipline and irregularities, that he abolished it, or the disreputable scenes which occur on the paying-off of a man-of-war at a seaport. Returns which I have asked for show that the amount of desertions under the short-service system from 1874 to 1878—that is for five years—is 25,000 men,

*Lord Strathnairn*

or at the rate of more than 5,000 a-year. Another Return which I have obtained, shows that 800 men who had deserted from one regiment to another were yearly punished, the great majority having been tried under the 48th clause of the Mutiny Act. Then comes the most remarkable Return of all, which is a Return of the number of recruits punished for fraudulent enlistment. The Return is very brief and very painful; it is *nil*—that is, not a man. Now, when it is considered that competent judges are of opinion that a third, if not a fourth, of the Army are fraudulent enlistments, and that a single inquiry to the parish officers by the adjutant of the regiment as to the birth and age of the suspected recruit can be answered by return of post, the universal surmise, that the War Office, to make up their proper strength, shut their eyes to the dangerous offence of fraudulent short service enlistment—that is, frequent enlistment—becomes a universal certainty. Now, a simple application to the commanding officers of regiments might obtain by return of post all the information on that subject which I desire, and there could have been no difficulty in procuring the number of fraudulent enlistments. In short, the Army is in such a state that there is an immense amount of absolute desertion, of fraudulent enlistment, and of desertion from one regiment to another. As to the Reserve, when he was in Ireland as Commander of the Forces, Mr. Cardwell asked him the cause of the failure of the Reserve. He referred the question to selected commanding officers, and they replied that the pay per day was too small, and that civil employers would not give the men work on account of their military obligations. I confirmed this report. Immediately on receipt of it, Mr. Cardwell ordered the pay to be raised from 2*d.* to 4*d.*, and that the 28 days' training of the Reserve with the Militia should be done away with. The logic of that was, that the Reserve, for which the taxpayer had to pay double, was less efficient by 28 days' training. Then the pay was brought up to 6*d.* But when the Reserves were called out on the Russian emergency, there were lamentations from one end of England to the other on account of the destitution of the families of the Reserve men, who were thrown on the *pavé*. The calling

out of the Reserves in the event of a war proved the utter unsoundness of the fundamental principle of the so-called First Class Army Reserve—that is, civil employment, which is the means of its existence—which was brought to light by a remarkable debate in the House of Lords. Lord Cardwell and several Peers of his Party called the attention of the House to the former civil employers of the Reserve men, for not having taken back into their employment men who were no longer required for the Russian emergency. Those Peers attacked very warmly the civil employers for what they called their want of patriotism, in not taking back the Reserve men into their employ. They went so far as to threaten them with a punishment, which they had no power, I must observe, to inflict, *non-conscriptum*, when the Duke of Buccleuch, with his usual good sense and impartiality, observed that he could not understand upon what ground of justice the civil employers were dealt with so severely by the noble Lords opposite; that they did not voluntarily discharge the Reserve men; that, on the contrary, it was damaging to their interests that these men, many of them employed in duties of trust and difficulty—such as Railway and Gas Companies, &c., should be taken from those duties by the Government, at a short notice, and that they too, in consequence, had been obliged to engage unqualified men in their places; and that nothing could be more unjust either to men who had thus been taken into their service, or to their own credit, that they should be turned out of their employment to take back again men who had given up those situations of trust. This unanswerable explanation quieted the anti-civil employers' agitation, and relieved them from fears of conscription; but the debate brought to light a certainty not contemplated by Lord Cardwell and his Party, that, in the event of a war, and the First Class Army Reserve being sent from England to reinforce an Army engaged in that war, the Reserve, as a Reserve, must cease to exist, because no civil employer would give employment, the means of existence—that is, civil employment—to Reserve men, liable at any moment to be called out to leave their service, and embark for a foreign war. The noble and gallant Lord concluded by moving for—

“Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation to 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency; and also the annual expenses of the brigade depot system from its creation to April 1, 1880.”

LORD CHELMSFORD said, that although the noble and gallant Lord who had just spoken had faithfully carried out the statement he made the other night that he had no intention to cast any blame upon him, yet he could not but feel that the impression on their Lordships' minds, when the Motion was first placed on the Notice Paper, was quite different. He believed the general impression then was identical with that which the noble Duke (the Duke of Somerset) expressed when he asked the noble and gallant Lord when he intended to bring forward his Motion finding fault with his (Lord Chelmsford's) proceedings as General Commanding the Forces in South Africa. On that occasion, the noble and gallant Lord said he did not intend, in any degree, to blame him, and he had strictly adhered to that statement; but their Lordships, if they looked at the Notice of Motion, would find that there were two things which he had not alluded to. The noble and gallant Lord had given Notice of his intention “to call attention to the despatches of Lord Chelmsford and other military officers reporting the operations against the Zulus;” but he (Lord Chelmsford) had not heard one word respecting those despatches. The noble and gallant Lord also announced that he would “call attention to the proceedings of the Court of Inquiry on the action at Isandlana.” When the Motion was first placed on the Notice Paper, these two “calls of attention” were together; but they were now divided by another with regard to the Marines. No one, he thought, who read those Questions put alongside each other could help coming to the conclusion that his (Lord Chelmsford's) conduct, as regarded the unfortunate disaster at Isandlana, was about to be called in question. Another point which he remembered, and which, indeed, he should never be able to forget, was that a year ago or more, at the time when his military reputation was hanging in the balance, and when it was doubtful whether he would be able to

carry out his plan of operation to a successful issue, the noble and gallant Lord placed on the Notice Paper of that House a Motion to the effect that he would call attention to—

“The lamentable consequences resulting from the neglect of the first and elementary rules of military tactics and strategy lately exhibited in the recent operations of Her Majesty’s forces in South Africa.”

If the word “strategy” had been left out of that Notice of Motion it might have been said that it did not necessarily apply to himself. However, the word “strategy” fixed the Motion on himself, because the only person who had anything to say to strategy was the General Officer commanding the Forces in the campaign. Had it been simply a general stricture on the character of the campaign in Zululand, he should not have risen to defend himself in any way, or make any allusion whatever to the matter. Strategy was a wide and comprehensive term, and there was no campaign whatever but was capable of being criticized and animadverted upon by those who had made strategy their study; but when the blame was attributed to “the neglect of the first and elementary rules of military tactics and strategy lately exhibited in the recent operations of Her Majesty’s forces in South Africa,” and when the words “lamentable consequences” headed the sentence, the Motion could only apply to the unfortunate disaster at Isandlana. He trusted he might be allowed to trespass upon their Lordships’ time for a few moments this evening while he told their Lordships, for the first time since the disaster occurred, the true history of that unfortunate day. There were two characters at stake in regard to that day, and the noble and gallant Lord had impugned both. One was the character of the gallant regiment which was almost completely destroyed upon the occasion, as it lost five out of eight companies, and the other was that of himself. On the 20th of May, the noble and gallant Lord made a speech in which he said that the 1st Battalion of the 24th Regiment was composed of young men, and he added that if the non-commissioned officers had been taken from tried soldiers instead of being mere striplings the result would have been different.

LORD STRATHNAIRN: I said, might have been different.

*Lord Chelmsford*

LORD CHELMSFORD: Well, might have been different. There was no battalion and no regiment under his command in which he had greater confidence than the 1st and the 2nd Battalions of the 24th Regiment. The 1st Battalion had landed in South Africa in 1874, and was composed of older soldiers than almost any other regiment in the country at the time, he meant in 1879. It had been engaged in the Cape Colony wars of 1877-8 against the Galekas, and had been successful on several occasions; and there was not a single battalion or body of troops to which he would have more confidently confided the safety of that post at Isandlana than the 1st Battalion of Her Majesty’s 24th. Then there was a detachment of the 2nd Battalion, which, he admitted, was composed of younger men. They landed in 1878; they were sent, however, company by company, into the field, and were present at all the operations against the Gaikas. When they arrived the men certainly looked very young, and he had his doubts as to how they would withstand the hard work they would have to undergo; but they came triumphantly out of the ordeal, and when they moved from the Cape Colony to Natal everyone was struck with the remarkable change which had taken place in their physical development, and with the steadiness and discipline of the men composing the battalion. Two finer battalions could not have been found, and it was entirely a mistake to suppose that either of them was composed of mere striplings, or that they had young and inexperienced non-commissioned officers. Certainly the disaster at Isandlana could not be laid to their charge, for they did all that was possible in the circumstances. Isandlana was an isolated hill. It stood alone, with precipitous sides all round; its top 250 yards long, and extremely narrow. The camp was pitched on the east side of the hill facing due east, and running north and south in the direction of the hill. The ground from that hill sloped down in an easy slope, quite like a glacis, perfectly free from any cover which could possibly be taken by any troops attacking it for a distance of 800 yards to the front and flanks. There was no ground that commanded it to the left within a distance of 1,200 yards, and there was no ground that com-

manded it on the right at a less distance than 600 yards. Taking, therefore, into consideration the nature of the weapons of the Zulus, it might practically be said that the camp was not commanded from any position near it. With regard to the garrison which was left at that camp, he would remind their Lordships that 762 Europeans remained on the ground. These Europeans were principally composed of the two battalions he had already mentioned and of Volunteers and Natal Police. The latter were skilled in the use of their weapons, and thoroughly trustworthy to defend, alongside of the British regiments, the position they were placed in. Then there were 400 or 450 Basutos, who came and joined the camp with Colonel Durnford. All these men, on that fatal day, behaved splendidly. Everyone who escaped from that field spoke in the highest terms of their gallantry and steadiness; and it was stated that they remained as long as there was any chance of doing good. On a front of 250 yards there would have been 1,100 Martini-Henry rifles to defend it. There would have been a wall, which completely defended the rear, and the proportion of rifles to the running yard would have been about four. He supposed no one would say that such a provision was inadequate for the defence of such a position. When he left the camp early on the morning of 22nd of January, 1879, the following orders were given to Colonel Pulleine by Major Clery, staff officer to Colonel Glyn, who was commanding the column:—"You will be in command of the camp during the absence of Colonel Glyn. Draw in"—I speak from memory—"your camp, or your line of defence"—I am not quite certain which—"while the force is out; also draw in the line of your Infantry outposts accordingly, but keep your Cavalry vedettes still far advanced." At the same time a letter was written to Colonel Durnford to move up to Isandlana camp and take command of it. In addition to the written orders which he had just read, Major Clery had a personal interview with Colonel Pulleine, and explained the orders which had been given. It was impressed vividly on Colonel Pulleine's mind that his orders were to defend the camp. With regard to the orders he might himself have given, it was curious that one of his aides-de-camp, whom he met yester-

day, told him for the first time that in his note-book relating the facts concerning the unfortunate day at Isandlana he found that he (Lord Chelmsford) had an interview with Colonel Pulleine, and in reply to his question as to any orders he might have to give to him, that he had said—"Defend the camp and do not leave it." That was written after the affair, and could not be quoted as evidence; but it expressed plainly what his views were. After the force, which he accompanied, went away from the camp, nothing occurred till 8 o'clock in the morning, when a report came in from the front to the effect that a body of the enemy was seen advancing on the north-east, on the left front of the camp. Thereupon Colonel Pulleine at once assembled all his men in the open space between the men's tents and his (Lord Chelmsford's) head-quarter tents—that was to say, in the centre of the hill and close underneath it. At the same time he sent a mounted messenger with the news; but the messenger brought no information as to the strength of the enemy—simply that the enemy was advancing on the north-east. In the account which he was giving every word would be found in the official Blue Books and had been re-published in the newspapers. At 9 o'clock, Captain Essex, of the 75th Regiment, reported that a small force appeared on the hill to the left, showed itself, and shortly afterwards disappeared. Between 10 and half-past 10 o'clock Colonel Durnford arrived in camp, and took over the command. On the arrival of Colonel Durnford in the camp, Colonel Pulleine, in the course of conversation with Colonel Durnford, told the latter, according to the report of Lieutenant Cochrane, 32nd Regiment, that his orders were to defend the camp, and there would seem to have been some difference between those two officers as to the manner in which the forces under them should be disposed, as Colonel Pulleine repeated these orders, in the course of conversation, several times. Between 10 and 11, while Colonels Durnford and Pulleine were talking together, reports came in from different pickets stating that the enemy were in force behind the hills on the left, that they were advancing in three columns, that the columns were separating, one moving to the left rear and one towards the General. Next came the report that the

enemy were retiring in every direction. This last message, according to Lieutenant Cochrane's report, was brought in by a man not dressed in uniform. Upon this last report being received, Colonel Durnford said he would go out and prevent the one column from joining the force that was supposed to be at that time engaged with the troops under the General. Before leaving he asked Lieutenant-Colonel Pulleine to give him two companies of the 24th Regiment. Colonel Pulleine objected, stating that he did not think he would be justified in sending away any men, as his orders were "to defend the camp." Colonel Durnford said—

"Very well, perhaps I had better not take them. I will go with my own men. If I get into difficulties, however, you must send me help."

Colonel Durnford accordingly started, but before starting he took upon himself to alter the instructions which Colonel Pulleine had received to keep the Infantry pickets and only have the Cavalry vedettes out, and directed him to send a company of the 24th Regiment to the crest of the hill on the left, 2,300 yards distant, which their Lordships could easily find in a most accurate map of the ground, which had been prepared by a captain of the Royal Engineers, and which was placed in the Library of the House. Colonel Durnford having started, was, according to Lieutenant Cochrane's report, followed by a rocket battery and by a Native Contingent company, and cantered away with two troops of Basutos to a distance of five or six miles to the front, leaving the rocket battery escort to follow as best it could. He had previously ordered two other troops of Basutos to move to the hill to the left. Colonel Durnford, on reaching a distance of five or six miles from the camp, met a man, mounted, who had come down from a hill on the left, and who reported to him that a very large force of the enemy was behind the hill. That report had scarcely been made when the enemy appeared not only on the left, but in front also. They opened fire upon Colonel Durnford's party at a distance of 800 yards, and moved forward at a very rapid pace in skirmishing order, 12 deep, with a support behind them. Colonel Durnford at once retired, and after falling back two miles he came upon the rocket battery

which had been cut up and destroyed. The enemy had, it appeared, been lying in ambush somewhere along the left bank, and had taken advantage of the unprotected condition of the battery in question. The retreat was carried on steadily, the firing being kept up. Leaving Colonel Durnford retreating, he would now state what was taking place in the camp at that time. At 12 o'clock in camp, heavy firing was heard on the hills to the left, and shortly after Captain Shepstone came down from the hills into camp, and reported to Captain Gardner, who had just returned from the main force under his (Lord Chelmsford's) command, that he had come with a request to Colonel Pulleine, from Colonel Durnford, for reinforcements to be sent out, as they were heavily engaged to the left of the camp and beyond the hill. Now, it was impossible that this could be the case, as Colonel Durnford and Captain Shepstone on leaving the camp started in opposite directions, and could not have again met. He could only account for the discrepancy upon the assumption that, when separating, Colonel Durnford instructed Captain Shepstone that if he saw he had got into difficulties he should go back to Colonel Pulleine, and, using his name, ask for reinforcements. But, be that as it may, Colonel Pulleine sent out a company, which came into action on the crest of the hill, and shortly after a third company was sent out. Those companies were, however, soon ordered to retire from the crest of the hill, and to take up a second position about 400 yards from its base. There they made a stand, but their ammunition shortly began to fail; and Captain Essex, who had been with those two companies, went to the camp to hasten supplies, and some ammunition was sent out to them by hand and some by mules. When Captain Essex returned he found that the three companies had been again compelled to retire, and were within 300 yards of the extreme left of the camp. While that little episode was going on, Colonel Pulleine, after sending out the companies, took up a position with the remaining three companies to the left front of the camp, about half a mile from it, having two mountain guns. The two guns opened fire at 2,400 yards; but, being mountain guns, they did not produce the effect desired. The Zulus pressed on, and came within 400 yards of the line,

when the three companies which were in extended order were directed to advance, and did so for about 30 yards, but were soon ordered to retire. Simultaneously the Native Contingent company, which had retired with the three companies of the 24th from the hills on the left, turned and rushed into camp. The Zulus saw their opportunity, and rushed in, and before the two companies nearest to it had time to fix their bayonets they were amongst them. Colonel Durnford, seeing the position was too extended, had, about the same time, ordered the mounted men, consisting of the two troops of the Basutos and 40 Volunteers, to retire into the camp in order to take up a better position; but, as Captain Gardner said, it was too late. A general movement was made to take up the position which should have been held from the first; but it was in vain, a large mass of the enemy being then in the camp. That was the true, plain, unvarnished tale. At the last fatal moment the 1,100 men that were there were extended in open line on a line 2,000 yards instead of on one 250 yards long. Inside the camp not a man, except a few servants and orderlies, was left to defend it. Was it surprising that, under those circumstances, the men should have been unable to perform the duty for which they were placed there? All they could do was to die like noble and gallant soldiers. Everyone, he thought, must admit that the camp had not been lost through having an insufficient garrison, or because the position was an unfit one for the number of troops to defend, but because the strict orders for its defence which had been given had not been carried out. He regretted that he should have had to reopen so painful a matter. Since he had returned from South Africa he had studiously avoided in public, and almost in private, making any allusion to it, not because he was afraid of inquiry for himself, but because he respected the feelings of the friends of those who were lost. He felt that anyone who wished to know the real truth of the case might ascertain it if they chose to do so, and that full and faithful accounts of it could be found in the proceedings of the Court of Inquiry re-published in the public Press. He would not trouble their Lordships further, but would only say, in conclusion, that if he had succeeded in removing any misapprehension which

had possibly existed in the minds of some of their Lordships respecting a most sad disaster he should be perfectly satisfied.

THE EARL OF MORLEY said, that he must compliment the noble and gallant Lord who had just sat down upon the clear and interesting narrative in which he had described the details of the sad disaster which had taken place at Isandula, and he could well understand the feelings with which he did so. He was sure, however, their Lordships would not expect him to follow the noble and gallant Lord, for in the course of his able speech the noble and gallant Lord had entered upon matters as to which he would not be expected, not being a military man, to express an opinion. He would, therefore, pass to the questions raised by the noble and gallant Lord (Lord Strathnairn) who had brought forward the subject. The noble and gallant Lord had, he thought, pursued a somewhat irregular course, as it was usual, when a debate was to be raised, to give some indication on the Paper of what that debate was to be about. But although he had followed the noble and gallant Lord very attentively, he did not observe much reference in the speech of the noble and gallant Lord to the Questions he had placed on the Paper. He admitted, however, that he had no right to complain of the conduct of the noble and gallant Lord, for he had given in speeches he delivered on former occasions an ample clue to the subjects he meant to deal with. The first Motion referred to matters of strategical importance, and to events which occurred before the present Government came into Office, and therefore he would pass it by. In his second Motion the noble and gallant Lord asked for certain Returns, and if he pressed for them there was no difficulty in granting them. At the same time he would remind the noble and gallant Lord that in the Returns which the Government had promised to produce next year the fullest possible information on all the subjects referred to would be given, and the Returns moved for would be necessarily of a fragmentary character, and might, therefore, be misleading. He hoped, therefore, they would not be pressed for. He assured the noble and gallant Lord that, as a master of the art of war, all



that fell from him had great weight with those who were responsible for the organization of the Army. It was out of no disrespect to the noble and gallant Lord that he deprecated any lengthened debate upon the subjects he had brought forward. His right hon. Friend the Secretary of State for War had stated in "another place," as he had himself in that House, that during the autumn the fullest possible consideration would be given to all those important and somewhat complex questions; and it would, therefore, be very imprudent in him now to express any opinion in respect of them. On a former occasion the noble and gallant Lord stated that four months afforded ample time for his noble Friend to have mastered the contents of the Report of Lord Airey's Committee. Well, his right hon. Friend had had only three months to do so; but it was one thing to master a Report of a very difficult subject, and another thing to prepare a scheme to lay before Parliament with respect to it on the 19th of August. It would have been impossible in the time to have prepared anything like a matured scheme on the subject. On the subject of Army organization he would only say that it was not correct to state that there had been a deviation from the principle laid down in 1870 by Lord Cardwell as to the administration of the Army. The noble and gallant Lord had stated that recruiting had fallen off and desertions had largely increased. What was the fact? In 1869—the year before short service was introduced—there were 12,000 recruits and 3,341 desertions, or 27 per cent. In 1878—the last Return he had before him—the recruits numbered 28,325, and the desertions 5,400, or 19 per cent. The number of recruits had, therefore, more than doubled, and that of desertions fell from 27 to 19 per cent. Again, the noble and gallant Lord said that the First Class Reserve had collapsed. That Reserve began to exist in 1870, and what was the fact? It numbered in 1879 about 15,000 men, and it now numbered about 18,000, excluding enrolled pensioners of the Second Class Reserve and the Militia; and the manner in which they had answered when called upon showed that if invited to volunteer, or if called upon to meet an emergency, they would be found to be willing and efficient soldiers. As he

*The Earl of Morley*

had stated, it was not his intention to enter into the difficult and complex questions raised by the noble and gallant Lord, as it would be inconvenient in the highest degree to express an opinion in reference to them. While he did not see any objection to giving the Returns asked for, he would venture to renew the assurance that, if they were not pressed for now, the fullest information would be given next Session, when everything that was not supplied could be specially moved for.

LORD ELLENBOROUGH thought it only fair to the noble and gallant Lord who initiated the discussion (Lord Strathnairn) to remind their Lordships that while the late Government was in power questions relating to Army organization had been pressed upon the Government by every officer in the House, and in particular by the noble and gallant Lord himself, so that there could be no grounds for the supposition of the attack being prompted by hostility to the present Government; and, so far from feeling hostility to the Government in reference to the arrangements at the War Office, he would honestly state publicly, as he had privately, he congratulated them that they really had an Officer at the War Department of military experience, in lieu of subalterns, who were not looked upon as military men, on account of not having had any experience whatever in command. At last they had a military man at the War Office; and if the promises they had heard from the noble Earl who had just sat down (the Earl of Morley) were carried out, and the Government continued to move in the same direction, they must have his entire support in military matters. What was wanted was a system of pensions, founded on longer service, giving soldiers the security of pensions after long service. His views were not new, for he had, in common with others, pressed the late Government on various points in reference to the Army, and particularly the one considered by him pernicious in the extreme—namely, the removal of medical officers frequently from one regiment to the other. His experience would not have the same weight as if he had been in command of his regiment on active service, which was from no fault of his own, having strained every interest to secure it. At the time of the Indian Mutiny, he was

in command of one of the strongest regiments in the service, both in respect to numbers and physique; but, instead of being sent into the field, the regiment was ordered to the Madras Presidency, where there were no active duties in the field. He, and those who thought with him, had always pressed, and would continue to do so, for the re-introduction of long service, and, consequently, pensions in the Army, and as in the long run the most economical system. He did not advocate the pay of the private soldier being increased; but he did wish to see the pay of the non-commissioned officers increased, and he considered that the result of such a change would be a diminution in the number of courts martial. He condemned the abolition of flogging in the Army, the only punishment a commanding officer could resort to on the line of march and in the field. It was a mistake, however, for which the late Government were more open to blame than the present, and it had taken away the only means of checking desertions, and, if he might be allowed to use the expression, had taken the reins and whip out of the hands of the commanding officer in the field. He must congratulate his noble and gallant Friend (Lord Chelmsford) on the interesting account he had given of Isandlana, and which had served to remove erroneous impressions as to the event which he confessed that he (Lord Ellenborough), in common with other officers, had entertained. He deprecated officers who had no experience in command being placed over those who had greater experience in command of British troops, and complained of the preconceived notions and illusions in reference to officers of the Staff, and that in particular which placed these officers and those of the Engineers on a pinnacle above officers experienced in regimental command, and strenuously advocated the employment of those who had commanded regiments, instead of Staff and Engineer officers, to the exclusion of commanding officers of experience, because they had not held Staff appointments; and before he sat down he must complain of the way in which these officers were put forward and unfairly overrated. Officers in the other branches of the Service felt this as a grievance, and justly so; and no one who had heard the statement of the noble and

gallant Lord but would feel that the disaster at Isandlana was due to the unfortunate Colonel Durnford, who was a member of the Corps in question, popularly termed by civilians the Scientific Corps. It had often been felt as a grievance that officers who had experience in command should be superseded by, dictated to, and controlled by, those who had no such experience; and it was owing to the depreciation of experience that such calamities were brought about and would occur again if a similar course were pursued.

LORD CHELMSFORD wished to explain, in consequence of the remarks of the noble Lord who had just sat down, that in what he had said he did not for one moment intend to cast any reflection upon the Corps of Engineers. He was able to number many of the officers of the corps amongst his best friends, and he had the highest opinion of their ability.

LORD DENMAN said, that, as a Law Lord's son, he was much gratified by the narrative of the noble and gallant Lord (Lord Chelmsford), which would be satisfactory to every thinking man in the Three Kingdoms.

LORD STRATHNAIRN, in reply, proceeded to make some criticisms on the South African campaign, when —

THE EARL OF NORTHBROOK rose to Order, and intimated that the noble and gallant Lord was introducing fresh matter into the debate to which the noble and gallant Lord opposite (Lord Chelmsford) would not be able to reply, and that was hardly a fair course to take towards him or the House.

LORD CHELMSFORD said, that though he thought the noble and gallant Lord should not make fresh statements without Notice, yet, if the noble and gallant Lord had anything new to bring forward, he would be very glad to come down to the House at any time to reply to it.

LORD STRATHNAIRN said, he would not pursue the subject; but he could not abstain, having referred to Isandlana, from mentioning, as a bright spot in the history of the operations in Zululand, the brave conduct of Lieutenants Bromhead and Chard at Rorke's Drift. In that event we had our Thermopylæ; and he did not think there had ever been a more gallant or devoted defence. He could not participate in the satisfaction

which had been expressed with reference to the Reserves. In case of a foreign war, the Reserve would become a shadow. He was anxious to obtain the Returns for which he had moved. They would form a very valuable document.

Motion amended, and agreed to.

Address for—

Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation up to the 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency.—(*The Lord Strathnairn.*)

House adjourned at half past Seven o'clock,  
till To-morrow, a quarter before  
Five o'clock.

## HOUSE OF COMMONS,

*Thursday, 19th August, 1880.*

MINUTES.] — PUBLIC BILLS — *Committee* —  
Hares and Rabbits [194]—*a.p.*

*Committee—Report—*Merchant Shipping (Carriage of Grain) [287].

*Report—*Elementary Education Provisional Order Confirmation (London) (*re-comm.*) \* [281].

*Third Reading—*Elementary Education Provisional Order Confirmation (London) \* [281],  
*discharged.*

## QUESTIONS.

### POOR LAW (IRELAND)—OUT-DOOR RELIEF.

MR. J. G. TALBOT asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he will give instructions that, in the case of out-door relief being given to distressed women and children in Ireland, whose husbands and fathers are employed and earning wages in England, such heads of families shall be called upon to maintain their families and repay the amount of out-door relief so given, in accordance with the recognized principles of the Poor Law? He begged also to ask when it was expected that the Chief Secretary for Ireland would be back in the House?

*Lord Strathnairn*

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): Sir, in the absence of the Chief Secretary, I have to state, in reply to the hon. Member, that under the existing regulations for the administration of the Poor Law in Ireland relief by way of loan can only be given in the poor-house; and, therefore, the Chief Secretary has not himself power to give such instructions as are mentioned in this Question.

MR. CHILDERS: Sir, I understood the hon. Member to ask when my right hon. Friend the Chief Secretary may be expected to return. Perhaps I may be allowed to correct an entirely unfounded rumour which is current, that the right hon. Gentleman has been sent for by the Lord Lieutenant. The fact is, that the right hon. Gentleman has gone over to Ireland on business, and will, in all probability, be back to-morrow.

### THE BRITISH MUSEUM—THE NATURAL HISTORY MUSEUM.

MR. GIBSON asked the right honourable the senior Member for Cambridge University, one of the Trustees of the British Museum, whether the original estimates for the furniture and fittings of the New Natural History Museum was £177,570; whether, of this sum, there has only been actually granted the sum of £60,000 in three successive instalments, leaving yet to be granted the sum of £117,570; whether, if the grants on account of original estimate are not in future largely increased, the removal of the Natural History collections may not be much retarded; and, whether the Trustees of the British Museum will again bring the matter under the notice of the Treasury, and thus secure the speedy realisation of the advantages for which the public have already paid considerable sums?

MR. SPENCER WALPOLE: Sir, the Question involves four queries. In answer to the first, it is the fact that £177,570 was the original estimate for the furniture and fittings of the new Natural History Museum. In answer to the second, the sum actually granted this year is only £60,000. In answer to the third, it is obvious in that state of facts the removal of the National Collections must necessarily be retarded if the grant of £20,000 is not largely increased next year. In

answer to the fourth, when the Trustees meet next November to consider the Estimates, I have no doubt they will bring this matter under the notice of the Treasury, in the hope that they will be able to accede to a much larger grant for the ensuing year, otherwise the exhibition of the Zoological Collections must necessarily be postponed.

#### HIGHER EDUCATION IN WALES— DEPARTMENTAL COMMITTEE.

MR. B. T. WILLIAMS asked the Vice President of the Council, Whether a Departmental Committee is about to be appointed to inquire into the state of higher education in Wales; and, if so, whether he will announce the names of the proposed Members of such Committee, and the name of their secretary?

MR. MUNDELLA: A Departmental Committee has been appointed, and the following are the names of its Members:—Lord Aberdare (Chairman), Viscount Emllyn, M.P., Mr. H. Richard, M.P., Professor Rhys (Celtic Professor at Oxford), Mr. Lewis Morris, and Canon Robinson, of the Endowed Schools Commission. Mr. Warry, of the Department of the Charity Commission, will act as Secretary.

#### ADMIRALTY AND WAR OFFICE REGULATION ACT—COMPENSATION ALLOWANCES.

SIR RICHARD MUSGRAVE asked the Secretary to the Treasury, Whether certain gentlemen have been permitted to count towards compensation allowance on retirement, under the Admiralty and War Office Regulation Act, the extra pay of which they were in receipt for assessing Income Duty, for editing the Army List, for compiling the Army Estimates, and for acting as Accountant for the Defence Loan; whether any private Secretary of the Admiralty has similarly been allowed to count his extra pay for this purpose; and, whether in the case of a permanent civil servant in the War Office who had been drawing extra pay as private Secretary to a permanent official for ten years, the Treasury have refused to allow such extra pay to be counted towards compensation on retirement; and, if so, what is the reason for the difference of practice in these cases?

LORD FREDERICK CAVENDISH: Sir, in reply to the hon. Baronet, I have to inform him that the extra allowances in the several cases alluded to in the first part of his Question were permitted to count towards compensation allowance on retirement because they were permanent allowances. With regard to the second clause of the Question, no private secretary in the Admiralty has ever been similarly allowed to count his extra pay for the same purpose. I am aware of the case to which this part of the Question alludes. In that case, the extra pay was allowed to count on the specific understanding that the post held by the gentleman in question was not that of "private secretary," but of "head of the First Lord's private office"—a permanent appointment. In no case is the allowance to a private secretary, whether to a permanent or to a political official, allowed to count for pension. I may add that the gentleman referred to in the third part of the Question was officially informed, some time before he elected to retire on the re-organization of the War Office, that his extra pay as private secretary would not be allowed to count.

#### EDUCATION RETURNS—EDUCATIONAL PASSES.

SIR MASSEY LOPES (for Mr. W. H. SMITH) asked the Vice President of the Committee of Council on Education, If he will lay upon the Table of the House a Return showing the percentage of passes in reading, writing, and arithmetic for the year ending 31st August 1879, obtained under each of Her Majesty's Inspectors in the district examined by him?

MR. MUNDELLA: Sir, the Returns of inspection are kept by counties; and in this year's Report a table is given showing the percentage of passes in reading, writing, and arithmetic made by the scholars examined in each county. To take out anew the Returns by Inspectors of districts, and to re-cast the examination Schedules of some 20,000 departments, and nearly 2,000,000 children, would be a laborious and costly process, and necessitate the employment of a special extra staff for the purpose. Unless some urgent public reason can be given for throwing this additional

work on the Educational Department, I am sure the right hon. Gentleman will agree that the Return ought not to be granted.

#### ARMY (AUXILIARY FORCES)—THE GALWAY MILITIA.

MAJOR NOLAN asked the Secretary of State for War, If it is intended to permanently remove the training quarters of the Galway Militia from the town of Loughrea, where the Militia have been drilled for many years; and, if the training staff of the Galway Militia were lately removed from Loughrea on a regular War Office route?

MR. CHILDERS: Sir, in reply to my hon. and gallant Friend, I have to say that the removal of the training quarters of the Galway Militia from Loughrea to Galway was decided on some time ago under the Localization Scheme, and was carried into effect on the 10th of August. I understand that this removal was carried out in due form.

#### INSPECTORS OF IRISH FISHERIES.

MR. BLAKE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government is likely to give effect to the following recommendation contained in the Report of the Inspector of Irish Fisheries for 1879:—

"On several occasions when making our annual reports we have brought under notice the expression of our opinion that very great benefit would arise if we had attached to this department a properly equipped vessel to enable us to carry out experiments in fishing, and for the discovery of new fishing grounds. We feel that we should neglect our duty if we failed again to revert to the subject, and we respectfully urge it on the consideration of your Excellency," &c.?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON): Sir, the question of supplying the Inspectors of Irish Fisheries with a vessel for their use was under consideration about four years ago; but it was then found impracticable. In consequence, however, of the continued representations of the Inspectors, the matter will be again inquired into.

#### TREATY OF WASHINGTON—THE FORTUNE BAY FISHERY DISPUTE.

MR. GOURLEY asked the Under Secretary of State for Foreign Affairs,

If he can, with due regard to the public service, lay upon the Table of the House all Correspondence relative to the Fortune Bay fishery dispute; and, further, what steps Her Majesty's Government intend adopting in order to arrive at an amicable settlement of the question?

SIR CHARLES W. DILKE: Sir, I regret that, as negotiations are still proceeding, Her Majesty's Government must follow the usual course in delaying the presentation of the Correspondence on this subject, and in postponing any communication to the House as to the steps which they propose to take with a view to arriving at a settlement of this question.

#### TURKEY—THE SULTAN'S HAREM.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If he has seen the statement in the "Standard," that—

"The lady of the Sultan's harem who recently sought refuge in the British Embassy, and was subsequently given up, has been strangled as an accomplice in a palace conspiracy;"

and if he has authentic information on the subject, and can contradict the statement, or, if true, if he can say what steps Her Majesty's Government purpose to take in the matter?

SIR CHARLES W. DILKE: Sir, we have no information as to this statement, and have no reason to believe that it is true; but Mr. Goschen has been instructed by telegraph to inquire. We have not yet received an answer.

#### TREATY OF BERLIN—ARTICLE XI.— RASURE OF THE FORTRESSES OF BULGARIA—ARTICLE XLII.—THE TURKISH DEBT.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have, either with or without the consent of Europe, taken any steps to procure the execution of the Treaty of Berlin in respect of the provisions of Article XI, in which it is laid down that all the ancient fortresses of Bulgaria shall be razed at the expense of that Principality within one year, or sooner if possible, and that the Local Government shall immediately take measures

for their destruction; and, whether any steps have been taken by Her Majesty's Government to procure the execution of Article XLII. of the said Treaty, by which Serbia is to assume a part of the Ottoman public debt, no obligation of Turkey towards Serbia having been left unfulfilled?

**SIR CHARLES W. DILKE:** Sir, Her Majesty's Government are prepared to press for the complete execution of the Treaty of Berlin, and have recently instructed their agent at Sofia to call the attention of the Bulgarian Government to the condition of the fortifications of Rustchuk; but with regard to this question and to that of the assumption of a share of the Turkish Debt by Serbia, the other Powers who signed the Treaty of Berlin are equally interested; and the steps to be taken for procuring the execution of the Articles of the Treaty referring to them must be taken in concert with the Powers, and not by Her Majesty's Government alone.

#### MERCANTILE MARINE—THE STRAITS OF MALACCA.

**SIR JOHN HAY** asked the Under Secretary of State for the Colonies, What progress is being made in establishing lights in the Straits of Malacca, and if the 1st class light on the north-west point of Penang, and the 2nd class light at the fort at the harbour, and the 2nd class light on Palo Remo, are likely soon to be completed; and, whether the floating light off the Formosa Bank and that at Outer Waters Island, will soon be in position and lighted?

**MR. GRANT DUFF:** In reply to the right hon. Baronet's first Question, I have to say that certain recommendations made in the month of May by the Board of Trade and the Trinity House are now under the consideration of the Straits Government. In reply to the second Question, I have to say that the lightship for the Formosa Bank is now being built at Singapore, and the lantern for it is in hand in England, as is also the light for the Outer Waters Island.

#### FIJI—LIEUTENANT E. C. CHIP-PENDALL.

**MR. BIRLEY** asked the Under Secretary of State for the Colonies, Whether

his attention has been drawn to the arrest and trial of Lieut. E. C. Chippendall on a charge of murder, and the conduct of Sir Arthur Gordon, Governor of the Fiji Islands, in reference thereto; and, whether he will undertake that a strict investigation of the affair shall be promptly made?

**MR. GRANT DUFF:** No time will be lost, Sir, in inquiring into this case; but no information which enables us to form any opinion whatsoever has yet arrived.

#### CONTAGIOUS DISEASES (ANIMALS) ACT—CATTLE DISEASE AT LIVERPOOL.

**MR. J. W. BAROLAY** asked the Vice President of the Privy Council, Whether, considering the magnitude of the interests involved and the doubts which have arisen regarding the precise character of the diseases amongst cattle reported from Liverpool, the Department will appoint at that port a second inspector whose qualifications for the duties are generally recognized?

**MR. MUNDELLA:** Sir, Mr. Moore, the Privy Council Inspector at Liverpool, is an experienced member of the Royal College of Veterinary Surgeons, and the Department have entire confidence in his professional skill. This is warranted by the fact that his reports on disease have in every instance, when an inquiry has been held, been confirmed by the Departmental Inspector. He devotes the whole of his time to the duties of his office, and is assisted by the central staff in cases of emergency. The Department is not of opinion that the services of a second Inspector are at present required.

#### THE LOWER THAMES VALLEY DRAINAGE—REPORT OF THE INSPECTORS.

**MR. BRODRICK** asked the President of the Local Government Board, Whether, considering that the inquiry of the Inspectors into the Lower Thames Valley Drainage Scheme terminated nearly three months ago, and that the scheme was condemned by a vote of the House of Commons last Session, he can give a guarantee that the decision of the Local Government Board shall be announced at a time when the attention of Parliament may be called to it?

MR. DODSON: Sir, I cannot guarantee that the decision of the Board shall be announced before the close of the Session, as I must have time to master the voluminous evidence, and it would not be fair towards the parties interested to keep them in suspense until next year. If, however, the Board should decide to grant the Provisional Order applied for, the Order would have no validity until confirmed by an Act, so that ample opportunity will be afforded for its consideration by the House.

#### POLICE SUPERANNUATIONS (SCOTLAND).

COLONEL ALEXANDER asked the Secretary of State for the Home Department, Whether he will introduce next Session a system of Superannuation for the Police in Scotland?

SIR WILLIAM HARCOURT: Sir, the question which the hon. and gallant Member refers to is a matter of considerable importance, and it will be carefully considered; but I cannot give any undertaking as to the time when it will be dealt with.

#### POST OFFICE—APPOINTMENT OF POSTMASTERSHIPS.

SIR JOHN KENNAWAY asked the Postmaster General, Whether it is a fact that, while candidates for messengerships in the Post Office are subjected to a very strict educational examination, no test of fitness or of efficiency is required from those appointed to important postmasterships, the salary of which ranges from fifty to eighty pounds a-year; and, if he will consider whether the public interest would be better served if such appointments were made by the responsible authorities of the Post Office, so as to remove the suspicion of their being given as a reward for political support?

MR. FAWCETT: Sir, in reply to the Question that has been addressed to me by the hon. Baronet the Member for East Devon, I have to state that candidates for messengerships—by which, I presume, is meant rural letter-carrierships—have to undergo, not a strict educational examination, but a test examination of the simplest kind, with the object of ascertaining whether a man is able to read and write and add up a few

simple figures. The Treasury nominates persons to fill all postmasterships of less than £120 a-year in England, and less than £100 a-year in Ireland and Scotland, and after the nomination is made the efficiency of the person so nominated is carefully inquired into by the Post Office, and the Postmaster General has the power of vetoing the appointment of any person whom he considers would be inefficient. As I have only recently been appointed to the Office I now hold, I should prefer not expressing an opinion at present as to the advantages or disadvantages of this system of political nomination. With regard to all postmasterships exceeding in value the amounts I have just mentioned, the appointments are made by the Postmaster General, and are strictly confined to persons who are already in the service of the Post Office. When one of these appointments is vacant, an advertisement is inserted in *The Post Office Circular*, and everyone in the Service is instructed that he may make application for the appointment, but that it must be made through his official superiors, and special warning is given—

“That applications through Members of Parliament or others are calculated to defeat rather than to promote the object in view.”

So far as my own feelings on the subject are concerned, I am so desirous that these appointments should be non-political, that in not one of the appointments I have made have I been aware of the political opinions of the person I have selected.

#### THE EVIDENCE ACT — OATHS AND AFFIRMATIONS — OBJECTION TO TAKE AN OATH.

MR. EVANS WILLIAMS asked Mr. Attorney General, Whether an attendance officer, Thomas Edwards, did not on the 6th inst. appear before the justices in petty sessions at Penybont, Radnorshire, as a witness in certain School Board cases, and decline to take an oath on the ground of a religious and conscientious objection; whether the justices did not refuse his claim to affirm; whether, in consequence of this refusal, the prosecution did not fall through and Thomas Edwards is not in danger of losing his place; whether this is not precisely one of the cases con-

*Mr. Dodson*

templated by the 25th Vic. c. 66, 32nd and 33rd Vic. c. 68, and 33rd and 34th Vic. c. 49, allowing affirmation in lieu of oath; and, whether he will advise the justices they must admit Thomas Edwards to affirm?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, the Question was one which for many reasons he ought not to answer. When a similar Question was put recently to the Home Secretary, his right hon. and learned Friend gave certain good reasons for not answering. He (the Attorney General) had no official connection whatever with the magistrates, and it would be unbecoming for him to say whether their decision was right or not.

AFGHANISTAN (MILITARY OPERATIONS)—THE GARRISON AT CANDAHAR.

SIR H. DRUMMOND WOLFF said, the Secretary of State for India had the other day informed him, in answer to a Question, that two regiments of General Phayre's force had already arrived at Candahar. He wished to ask if the noble Marquess could confirm that statement?

THE MARQUESS OF HARTINGTON: No, Sir, I believe the fact is that the head-quarters and wing of one of the Native regiments only have actually arrived at Candahar. There were others on the march when the defeat of General Burrows took place. It was not found possible afterwards to order their advance in the direction of Candahar unless they were strong enough to resist any attack that might be made upon them.

THE PARKS (METROPOLIS)—KENSINGTON GARDENS.

MR. RITCHIE asked the First Commissioner of Works, Why such a large number of the trees in Kensington Gardens are being cut down, and to what extent he proposes to carry out the operation?

MR. ADAM: Sir, I am very glad that the hon. Gentleman has asked this Question, as the Forms of the House would not have given me an opportunity of explaining what is now being done in Kensington Gardens, and as the matter

is very likely to be misunderstood by those who have not carefully watched the gradual decay of the trees in that park, which decay has become rapid and decided in the last two years. Hon. Gentlemen who were in the House when the Vote for the Parks came on may remember that I then observed how many of the trees in Kensington Gardens were either dead or hopelessly dying, and how necessary it had become that some decided action should be at once taken with regard to them. The natural decay, owing to impoverished soil and terrible neglect of timely thinning 50 or 60 years ago, had been much aggravated by the hard winters and the cold and wet summers of the last few years. In the more thickly-planted portions of the Gardens the trees were dead or dying in hundreds, and in all parts the dead trees were very numerous. I had made up my mind what course ought to be pursued; but, knowing the sensitiveness of the public regarding tree-cutting, and being aware how adverse people generally are to that free and bold use of the axe which is of the essence of good wood management, I thought it advisable to ask the co-operation of a small committee of experts, who might give me their advice and support me by their authority. I applied accordingly to Sir Joseph Hooker, Mr. Clutton, Mr. Thomas, so distinguished as a landscape gardener, and to my right hon. Friend the late First Commissioner of Works. These gentlemen all agreed to assist me, and several meetings have been held in Kensington Gardens with me and Mr. Mitford, the Secretary of the Office of Works, who is himself eminently qualified to give a sound opinion on the subject. The result has been a unanimous resolution that we ought to proceed at once to clear away the dead and dying trees. This is now being done. In some places an absolute clearance has had to be made, and all over the Gardens numerous trees are being removed. The spaces cleared will either be trenched, drained, and re-planted, or will be left open, as may appear best. At present any one who has not studied the subject, or carefully observed the trees for some years past, may think that too much is being done; but I can assure the hon. Gentleman and the House that the utmost care is being used in the work; that not a tree is



being cut that can properly be spared ; and that every effort will be made to restore life to distinguished trees which are dying. I may say, speaking with the authority of the Committee as well as from considerable personal experience, that this work has not been begun one moment too soon if the beauty and enjoyment of Kensington Gardens are to be properly preserved.

MR. RITCHIE remarked that about a quarter of an acre had been cleared and 900 trees condemned.

#### EDUCATION OFFICE (DUBLIN)— WRITERS.

MR. BLAKE asked the Financial Secretary to the Treasury, Whether it is the intention of the Government to place the writers in the Board of Education Office, Dublin, in the same position as the writers in the other public departments in Ireland, by making no deduction from their weekly pay on account of the half holiday on Saturdays?

LORD FREDERICK CAVENDISH: Sir, as the hon. Member has given short Notice of his Question, I have not been able to ascertain what is the practice with regard to Saturday half-holidays in other Public Departments in Ireland. But the question in regard to the Education Office in Dublin was brought before the Treasury by the Education Commissioners in 1874, and the reply then given seems to be equally applicable now, that as writers are engaged by the hour, and only when their services are required, there is no reason for paying them for the hours when they do not attend, except upon the holidays allowed by the regulations laid down for writers, which are public holidays, and one day for every 24 days of actual service.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

MR. JUSTIN M'CARTHY: Would the noble Lord the Secretary to the Treasury state if the Irish Estimates will be taken on Monday ; and, if not, before what day they will not be taken?

LORD FREDERICK CAVENDISH: It is intended to take the Irish Estimates on Monday next.

MR. BERESFORD HOPE wished to know whether the noble Lord the Se-

cretary of State for India was able to state on what day the Committee on the Burials Bill would be taken ; and, also, whether he could give the House any information as to the day on which the Expiring Laws Continuance Bill would be taken?

THE MARQUESS OF HARTINGTON: Sir, I have to express my regret that in consequence of some misunderstanding, and entirely without any knowledge on my part, the Committee on the Burials Bill, which I had hoped might be taken to-morrow morning if the Committee on the Hares and Rabbits Bill was finished to-night, was yesterday postponed till Monday. It will not, therefore, be possible to take the Committee on the Burials Bill to-morrow. If the Committee on the Hares and Rabbits Bill is finished to-night, we propose to go on with the Savings Banks Bill, the Census Bill, and the Merchant Shipping (Grain Cargoes) Bill to-morrow at the Morning Sitting. On Monday and next week *de die in diem* we propose to go on with Supply, and until we can form some opinion as to the length of time that will be taken up with it, it is impossible that the Committee on the Burials Bill or the second reading of the Expiring Laws Continuance Bill will be taken.

SIR HENRY HOLLAND: Is the noble Lord able to state on what day the Vote in Supply for the Colonies will be taken, as it is expected that a debate would take place on South Africa?

MR. A. J. BALFOUR: May I ask whether he proposes to take Supply to-morrow night?

MR. JUSTIN M'CARTHY: Will the Irish Estimates come first on Monday?

THE MARQUESS OF HARTINGTON: Yes, Sir ; and I think it will be desirable that we continue them until they are disposed of ; and I propose to take the South African Vote as soon as these are disposed of. To-morrow night, if the discussion on going into Supply is finished in time, it is proposed to take Committee of Supply.

In reply to MR. CHAPLIN,

THE MARQUESS OF HARTINGTON said, he understood that it would be the most convenient course to postpone the Report of Amendments in the Hares and Rabbits Bill until after Supply had been completed.

TREATY OF BERLIN — BULGARIA —  
ILL-TREATMENT OF MUSSULMANS.

MR. ASHMEAD-BARTLETT asked the Secretary of State for India, Whether his attention has been called to a statement in the "Daily Telegraph" of the 18th by its Correspondent at Vienna, giving detailed accounts of the persecution to which the Mussulmans of Bulgaria are constantly subject, from which the following are extracts:—

"Within the last few weeks cases of robbery, outrage, and assassination of Mussulmans have been largely on the increase; but so far their authors have entirely escaped punishment. A man named Hadji Yacoub, residing in the village of Borassan, near Rutchuk, with two companions, was set upon by a party of ten Bulgarians. They began by demanding money of Hadji Yacoub, who told them he had none with him. Thereupon his savage aggressors set fire to a heap of brushwood and placed him upon it. When help arrived Hadji Yacoub was not quite dead, but his assassins had fled. Before expiring Hadji Yacoub was able to identify four of the Bulgarians. They were: First, Youvantcho, schoolmaster of the village of Gagalie; second, Pankcho; third, Tchinghamianie, from the village of Lipnik; the name of the fourth I do not happen to know. In consequence of a complaint addressed to the authorities the four culprits were arrested, but after remaining in prison a day or two they were released, and have not since been molested. Hadji Yacoub died in the most horrible sufferings. There is not a single example of a Bulgarian having been punished for the crimes of robbery, outrage, or assassination committed on the persons of Mussulmans. Profound consternation prevails amongst the Mussulman population of Bulgaria;" and, whether Her Majesty's Government will take effective steps, either alone or by means of "the concert of Europe," to put an end to these inhuman barbarities?

SIR CHARLES W. DILKE: Sir, Her Majesty's Agent in Bulgaria has made constant representations to the Bulgarian Government respecting the cases of ill-treatment of Mussulmans which have been brought under his notice or to that of Her Majesty's Government, and recent communications on the subject received from the Turkish Chargé d'Affaires in London have been referred to him for inquiry. Her Majesty's Government believe that similar action has been taken by other Powers. Her Majesty's Government are not in a position to state whether the cases mentioned in the telegram referred to by the hon. Member are authentic or not. The Mussulmans have, no doubt, undergone much suffering in some parts of Bulgaria,

and accounts from Rutchuk show that there is a want of efficient protection there for life and property; but the Bulgarian Government have given the strongest assurances of their desire to afford adequate protection to the Mussulman population; and the latest accounts give fair reason to hope that the state of affairs is improving.

MR. ASHMEAD-BARTLETT asked when Papers on the subject would be produced?

SIR CHARLES W. DILKE: The Papers are very bulky and voluminous. I believe they are in the hands of the printer, but some time must elapse before they can be distributed.

LEGACY DUTY DEPARTMENT  
(DUBLIN).

MR. MELDON asked the Secretary to the Treasury, If it is the case that a memorial was lately forwarded from the Incorporated Law Society of Ireland to the Board of Inland Revenue complaining most strongly of the inadequacy of the Staff, the bad accommodation, and the want of facilities for the prompt despatch of business in the Legacy and Succession Duty Department at Dublin; and, whether his attention has been called to the frequent complaints of solicitors and the public in the Dublin newspapers, notably the "Freeman's Journal" of the 26th and 27th July, and the "Mail" of the 26th July, on the same subject; and, if any, and what steps have been taken to remove the causes of such complaints, and if any inquiry has been made at the office in Dublin to ascertain whether such complaints are well founded?

LORD FREDERICK CAVENDISH: Sir, the Memorial from the Incorporated Law Society of Ireland on this subject was sent to the Treasury by the Commissioners of Inland Revenue on the 4th instant, and directions have been given to the Irish Board of Works to inquire into the accommodation in the Legacy and Succession Duty Department at Dublin. Something has already been done by the Inland Revenue Commissioners themselves to remove the causes of complaint by giving increased facilities for stamping legacy duty receipts and re-arranging the rooms; but they do not admit the inadequacy of the staff provided for the work.

## ORDERS OF THE DAY.



## HARES AND RABBITS BILL—[BILL 194.]

(*Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.*)

COMMITTEE. [*Progress 11th August.*]

Bill considered in Committee.

(In the Committee.)

Clause 1 (Occupier of land to have concurrent right to kill ground game with any other person entitled to kill the same on land in his occupation).

Amendment proposed,

To add at the end of the last Amendment, “(b) Every person so authorized by the occupier, on demand by any person having a concurrent right to take and kill the ground game on the land, or any person authorized by him in writing to make such demand, shall produce to the person so demanding the document by which he is authorized, and in default he shall not be deemed to be an authorized person.”—(*Sir William Harcourt.*)

Question proposed, “That those words be there added.”

MR. HENEAGE said, the right hon. and learned Gentleman who had charge of the Bill had, on a former occasion, promised to bring forward various sections and sub-sections; and, by so doing, he had succeeded in uniting hon. Members behind him during the whole of that day's discussion. But, instead of proposing the sub-section laid on the Table of the House, he had produced that now before the Committee. To that Amendment he (Mr. Heneage) gave unqualified opposition. He believed it to be, in itself, absurd; that, in practice, it would prove to be utterly useless; and lead, besides, to the utmost difficulty and confusion. From the moment when the Bill was introduced, he had given it his most earnest support; and should have been contented to remain perfectly silent throughout its passage through the House, had not the present sub-section been moved. But he felt he could not, for a moment, refrain from offering some remarks upon that clause. He had, up to the present time, never believed that the Bill would lead to any ill-feeling

between the landlord and the tenant; but he had always entertained the opinion that if such a thing were to happen, it would be created by the gamekeeper and the agents of the occupier. In his opinion, the greatest enemy of the Bill could not have contrived anything more calculated to injure it than the Amendment of the right hon. and learned Gentleman, who proposed that any gamekeeper, having in his pocket a written authority, might demand from the agent of the occupier a written authority for killing rabbits and hares. Now, he (Mr. Heneage) would like to know, whether anybody of common sense would imagine that the paper authorizing this act could always be carried about by the person so authorized? The idea was absurd, and the proposed clause would result in continual watching, one of the other, on the part of the gamekeeper and the occupier's agent. It was well known that the Revenue officers were entitled to ask anyone in the pursuit of game for their game licence; but that right was never exercised, except in cases when the officers had received information beforehand that the person did not hold one. They never ran the risk of asking for the licence indiscriminately. But the present proposal stood on a very different footing. It would tend to create ill-feeling, hard words, and even blows, between the gamekeeper and the occupier's agent. The Amendment standing in his (Mr. Heneage's) name did not propose any regulations of a more stringent character; it simply endeavoured to deal with this part of the subject in a more concise and less complicated form than the Amendment of the right hon. and learned Gentleman. However, he did not propose to move that Amendment at that moment; but simply to propose the omission of the words from “every” down to “person,” inclusive, in the Amendment of the right hon. and learned Gentleman. He thought the sub-section, if carried, would lead to an increase of poaching, and bring before the magistrates a great many cases of petty assaults, in which there would be a good deal of hard swearing, and a consequent difficulty on the part of the magistrates in deciding fairly between the man authorized to kill ground game and the gamekeeper. He trusted the Committee would reject the proposed sub-section entirely.

Amendment proposed to the proposed Amendment,

To leave out from the words "every person so authorized" to the words "to be an authorized person," inclusive.—(*Mr. Heneage.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILLIAM HARCOURT said, he had no particular affection for the sub-section which the hon. Member for Great Grimsby (*Mr. Heneage*) was so desirous of striking out, and, with the approval of the Committee, he had no objection to offer to its omission. He understood the hon. Member to say that he did not propose to move his own Amendment, and he would observe that when the Notice of that Amendment was placed on the Paper, he thought it was open to objection on good grounds—namely, that it would require tenants to be constantly serving notice upon their landlords, and, in case of dispute, to prove either the personal delivery of the notice, or the posting of the letter containing it. That, he had understood from persons interested and well able to judge, would be extremely vexatious and disagreeable. He had therefore felt that the notice would have to be given up; but he also felt he was bound to give some substitute for it, and the sub-section now before the Committee was the result. The hon. Member had described this as being most absurd; but it seemed to him that when a man received authority to do something in writing, it was only reasonable to suppose that it was given with the purpose that somebody should see that writing. The clause, therefore, having established that written authority should be given, the sub-section was proposed to show that such written authority should be produced. If, however, the Committee thought that the authority given in writing was a thing which nobody would see, he had no desire to press the sub-section.

MR. BODWELL said, he thought the Amendment of the right hon. and learned Gentleman opposite (*Sir William Harcourt*) a most reasonable one, and that it would give great satisfaction to persons who had any reason to believe that their property would be liable to be trespassed upon under cover of the Bill. For his own part, he (*Mr. Rodwell*) regarded the Amendment of the right hon.

and learned Gentleman as a safeguard and protection. He would make one observation in reply to the hon. Member (*Mr. Heneage*) who moved the omission of the sub-section—namely, that the Revenue officers never asked for the game licences of persons when shooting, unless they were perfectly certain that they had not their certificates with them. He could not agree with the statement of the hon. Member. He had been present when the Revenue officers asked for the certificates of one of the largest landowners in the county of Suffolk, as well as those of eight other persons who were shooting in his company; and he was aware also of another case of the kind, where the officers succeeded in surcharging. He could not see any possible objection to the production of the written authority by the person to whom it had been given. The Amendment of the hon. Member for Great Grimsby might possibly answer as well as that moved by the right hon. and learned Gentleman; but he should prefer the latter, and if that were set aside, they might get no Amendment at all. He should therefore vote against its omission.

MR. LABOUCHERE said, there was a very wide difference between the Revenue officers asking for a shooting certificate, and Tom, Dick, and Harry, hanging about the squire's house, asking anyone whether he had got with him permission from the tenant to shoot ground game. Under the proposed clause, if anybody who received permission to shoot did not happen to have it in his pocket, he would be regarded in the light of a poacher, and could, consequently, be punished either by fine or imprisonment. The number of persons authorized to demand the written authority ought surely to be limited. He could understand that a gentleman occupying the manor house might give written permission to his coachman, or groom, to make themselves a nuisance, in the way of asking persons for their authority to shoot; and as it was probable that certain individuals would have permanent authority to shoot over the tenant's land, the groom and the coachman might lay snares for them with the view of their being treated as poachers, in the event of their happening to be without the written authority. He had been glad to hear the right hon. and learned Gentleman (*Sir William*

Harcourt) say he had no great affection for the sub-section, and he hoped he would show that he had no affection for it at all by leaving it entirely to the Committee to decide whether it should be introduced into the Bill or not.

MR. SCLATER-BOOTH said, he was sorry when he heard the right hon. and learned Gentleman the Home Secretary begin the discussion in Committee by throwing cold water on his own Amendment, to which, on the contrary, he (Mr. Sclater-Booth) thought he was bound to adhere, inasmuch as he was pledged to provide some substitute for the very elaborate series of securities which he placed on the Table a few days ago. The present Amendment was in substitution of the Registration Clause which was announced on that occasion; and, therefore, the right hon. and learned Gentleman ought, if consistent, to show his sense of the necessity of some such clause. He (Mr. Sclater-Booth) did not deny that perhaps something more satisfactory might be devised; but the clause would, at all events, in his opinion, work well. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) had spoken of a shooting party in Suffolk being asked to produce their certificates by the Revenue officers; and, with reference to that, he (Mr. Sclater-Booth) was bound to say, although he wished the Revenue officers in the country showed a great deal more zeal in the discharge of their duty in that direction than they did, that he had never met with such a thing in his life. But if such a thing were to happen as an authorized person being found without his written authority, the man would not, as the hon. Member for Northampton (Mr. Labouchere) had suggested, be liable to prosecution as a poacher. He trusted the right hon. and learned Gentleman would adhere to the Amendment.

MR. J. W. BARCLAY said, he had no strong affection for the sub-section of the right hon. and learned Gentleman the Home Secretary; but he thought it a fair and reasonable provision. It would appear that the written authority of the tenant was to take the place of the game certificate. Whoever went after hares and rabbits must either produce a game certificate or writing from some person having authority to grant permission to shoot ground game. In his opinion, the clause was not open to the dangers sug-

gested by his hon. Friend the Member for Great Grimsby (Mr. Heneage). He apprehended that the person shooting with authority would either have the certificate in his pocket or at home, and any difficulty in the case of a person acting *bona fide* would easily be settled. Therefore, he thought the provision was only reasonable, and that the Committee should accept it.

MR. CHAPLIN said, he thought the speech of the hon. Member for Great Grimsby (Mr. Heneage) gave an exact description of the clause when he spoke of the ill feeling which it would create. He (Mr. Chaplin) could not, however, agree with the hon. Member that it was ridiculous and absurd, because it was no more open to that charge than the Bill itself, which had met with the hon. Gentleman's approval. But, as a matter of fact, he (Mr. Chaplin) was opposed to all these petty limitations; and as he considered the Amendment of the right hon. and learned Gentleman the Home Secretary to be more in favour of the tenant than that of his hon. Friend opposite, he certainly preferred the former.

MR. MONTAGUE GUEST said, that more particularly on behalf of the tenants of lands, as well as in the interests of landlords, he urged the adoption of the Amendment. A tenant might be employed at some other part of the farm, and be unaware that some person unauthorized by him was sporting on his land, and it was not reasonable to suppose that tenants would keep gamekeepers to protect their interests; but the Amendment proposed would put it in the power of the landlord's gamekeeper to protect the tenant's rights as well as his master's. He thought that the name of the person authorized to shoot should be known in some way—if not in the manner proposed—either by the names being placed on the church door as in the case of gun licences, or by being given to the officers of Inland Revenue.

MR. GREGORY said, he had heard with regret the right hon. and learned Gentleman the Home Secretary propose to withdraw his Amendment. Was he right in understanding that the appointment of an agent carried with it his exemption from payment for a game certificate and gun licence?

MR. BRAND said, he desired to ask the right hon. and learned Gentleman

the Home Secretary how these limitations of the Act were to be enforced? He presumed that they were intended to be enforced in some way; and, therefore, he inquired what would be the penalties attaching their non-fulfilment? He was opposed to all these limitations, on the ground of their absurdity; and, moreover, because they would be likely to end in the establishment of some grievance between the owner and the occupier. Such details as these could not possibly be fixed by Act of Parliament; therefore, it was absurd to attempt to include them in the Bill, and he should certainly vote against them. He trusted the right hon. and learned Gentleman would take the reasonable course of allowing these matters of detail to be fixed by private arrangement.

MR. DUCKHAM said, he thought that as few Amendments as possible ought to be introduced into the Bill. It was proposed that one party concerned should make the other thoroughly acquainted with the persons to whom he had given authority to destroy ground game, who had not only to produce their authority to the proprietor, but to any number of agents whom he might send into his fields. It would be seen that there was, under the proposed clause, nothing whatever to guard the occupier from any amount of inconvenience on that account; and, therefore, he thought it would be better to leave the arrangement of the whole matter to the landlord and the occupier.

SIR WILLIAM HARCOURT said, in answer to the hon. Member for Stroud (Mr. Brand), that any person not acting under the authority of the Bill would be in exactly the same situation as he would have been before it passed.

MR. BRAND said, that being so, a person duly authorized to shoot, who refused to show his authority, would not, under the clause, be deemed to be an authorized person, and if brought before the magistrates they would not be entitled to acquit him of any charge on the ground that he was an authorized person. That seemed to him a substantial objection to the clause.

Question put.

The Committee divided:—Ayes 180; Noes 29: Majority 151.—(Div. List, No. 120.)

Amendment made.

Amendment proposed,

To add at the end of the last Amendment, sub-section "(2.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands, or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses, for less than nine months."—(Sir William Harcourt.)

Question proposed, "That those words be there added."

MR. PUGH said, that addition to the Amendment seemed to him to introduce a new definition of the term "occupier." It had been his intention, therefore, to propose its amendment by leaving out all the words after "Act," and inserting "unless he be rated to the relief of the poor in respect of such occupation." Every occupier was liable to be rated to the relief of the poor under the Acts relating thereto; but as the hon. Member for Carmarthenshire (Mr. Powell) had stated that there were many occupiers in that county who were not rated to the relief of the poor, and as he (Mr. Pugh) understood the point would be raised on Report, he did not intend to move the Amendment standing in his name. His particular objection to the clause was that a great portion of the uplands in Wales were in a condition in which it was not easy to ascertain the tenure or right under which they were occupied, and, therefore, he was opposed to the insertion of a clause by which the rights in question might be prejudiced.

MR. CHAPLIN said, he rose for the purpose of moving an Amendment to the sub-section before the Committee, which, if the right hon. and learned Gentleman the Home Secretary accepted, would have the effect of removing some of the chief objections which he (Mr. Chaplin) entertained to that sub-section, and which he had taken the liberty of expressing upon the Motion, "That Mr. Speaker do now leave the Chair." He complained of the Bill not so much on the ground of its interference with freedom of contract, as upon that of the harsh and unnecessary restrictions which it sought to impose upon individual liberty, and because it embodied the principle of confiscation. The principle of interference with individual liberty was one which appeared to him to be of a very dangerous character; it was one which was gaining ground upon the

Front Bench opposite, and ought, in his opinion, to receive a check. He had been severely taken to task on a former occasion for saying that the Bill involved the principle of confiscation; but he ventured to point out to the right hon. and learned Gentleman, and those behind him, that no answer had ever been given to that statement; and until an answer was forthcoming, he must beg respectfully to adhere to it. He had directed the attention of hon. Members to the case of the occupier who was also the owner of the land; and, secondly, to the case of an occupier who was tenant of the shooting, as well as of the farm, with the right of sub-letting the shooting. Upon that occasion he believed he had demonstrated clearly that in both cases, the Bill would deprive those persons of a marketable commodity, and one possessing a pecuniary value, without giving them the slightest compensation for the loss sustained. If that was compensation, he could only say that the word had lost its meaning. The right hon. and learned Gentleman might contend that this argument was based upon a fallacy, because the Bill did not prevent a person in possession of the shooting from sub-letting it. He (Mr. Chaplin) granted that to a certain extent; but the Bill only allowed him to sub-let on conditions which would utterly destroy his value of the right. He need not point out to the Committee that no one would take shooting where the winged game he desired to preserve might be disturbed at all hours by another person who had the right to go after the ground game. At present, he must remind the Committee that in both of those cases the person in the possession of the shooting had the power of letting the sole right to the ground game. Under that Bill they were going to give the tenant the concurrent right to the ground game. Now, the sole right might be worth 1s., 1s. 6d., 2s. 6d., or even more, an acre; but the concurrent right was worth absolutely nothing. Therefore, they were, by the Bill, depriving people, in these two cases, of a right having pecuniary value, for which they gave them no compensation whatever. He asked the right hon. and learned Gentleman to accept his Amendment, in order to remove a most evil principle from the Bill. What possible objection could there be to let an owner,

*Mr. Chaplin*

farming his own estate, sub-let the right of shooting, free from any restrictions? He really hoped the Committee would accept so much as that, at all events. Then he came to the case of the occupier. The right hon. and learned Gentleman might tell him that that would defeat the whole intention of the Bill. ["Hear, hear!"] Hon. Gentlemen said "Hear, hear!" He (Mr. Chaplin) would tell them if he thought that would be the result, honestly, he would not propose it. They were now discussing the Bill with a desire to improve it; but he could not see how that was to be, unless they said farmers throughout England were the most hopeless people in the world. How could they compel a tenant to take the shooting, if he said he would not? Landlords, in these days, must let their farms; and he could feel, from his own experience, there was a very great difficulty to do that, and many were unable to do that on any terms whatever at present. The tenant was not obliged to take the shooting, and he could not be compelled to take it, and would not take it, unless he desired. He contended the Amendment would not interfere with the vital principle of the Bill, and it would preserve to the tenants, in whose interests the Bill was framed, a valuable right. He did hope that, under those circumstances, the right hon. and learned Gentleman would see his way to accept the principle of the Amendment. He, therefore, begged to move his Amendment.

**Amendment proposed to the proposed Amendment,**

In line 2, after the word "Act," to insert the words "where he occupies the land as owner thereof, or as lessee thereof, having the right of killing game thereon, with power to sub-let that right, or."—(*Mr. Chaplin.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he would deal with the second portion of the Amendment first. The hon. Gentleman (Mr. Chaplin) had asked how the tenant farmer could be compelled to accept the right to kill game? He (Sir William Harcourt) would answer by saying nothing about it; by letting the lease be silent on that subject, and then Common Law would give the right. He would just point out how the hon. Mem-

ber's Amendment would work, if it were accepted. The landlord would draw up a lease, saying nothing about the game. This was the favoured scheme of many hon. Gentlemen who had Amendments on the Paper. The lease would be silent about the game; and, therefore, by Common Law or Statute—it was disputed which—the tenant would be lessee, having the right to kill game with power to sub-let that right. That would be, if he took the lease. Then the landlord presented to the tenant an agreement to let the game to him, he having the right, to let it, and, that done, the Bill would be defeated. The Amendment would thus absolutely negative the whole principle of the Bill. That Amendment, and many others in something the same terms on the Paper, all had one object in view—that the tenant should first be given the absolute right to the game which, as he had said, could be effected by making the lease silent on the point, and then inducing the tenant to re-let the game to the landlord. That was his objection to the second part of the Amendment. But with regard to the first, his objection was not so strong. It was, however, entirely inconsistent with the words already passed, because they had declared in an earlier part of the Bill that the right to kill ground game was to be incident and inseparable from the land. The whole principle of the Bill was contained in those words, and if they were not adhered to, the Bill was useless. As he had said before, those words contained the whole of the Bill. Clauses 2 and 3 were merely explanatory clauses, and they were not actually wanted in the eye of the law; but they were put in in order to make the meaning of the Bill more clear than it might be to persons who were not in the habit of criticizing the words of a Statute. But the fact was, that the Committee passed the whole Bill when they passed the words—

“Every occupier of land, who is not otherwise entitled to kill or take ground game thereon, shall by virtue of this Act have, as incident to, and inseparable from, his occupation of the land the right to kill and take ground game thereon.”

In point of law, those words carried all the rest; but, in drawing the Bill, he had thought that as persons who were not used to the interpretation of Acts of Parliament would have a good deal to

do with the Act, it would be better to make quite clear what were the rights of the tenants, and also what the operation of the Bill would be. As an enactment, the words of the 1st clause were sufficient. That 1st Amendment was utterly inconsistent, therefore, with the Bill, and with the statement that the right to the ground game was to be inseparable from the land. The Bill did not take away from an owner the right to kill game, for he had it already. Besides, he would ask the hon. Member (Mr. Chaplin), supposing an owner of land let the shooting for a short period as against the tenant, ought he not to go down and kill the game which was an excess? So far from that being a proposition of confiscation, it was what every reasonable landlord ought to do. He would say, “I will let my shooting; but I must take care to protect my tenant.” The hon. Gentleman had spoken about confiscation, because they had given the tenant the right to shoot hares and rabbits; but he said that a man ought always to reserve in his own hands the power of keeping down ground game, and he objected altogether to admitting into the Bill the principle that the right to kill ground game should be, in any circumstance, separable from the occupation of land. He did not think there was any hardship whatever in the case of an occupier, because everyone knew what would happen then. The owner would say—

“I will let you the shooting, but I must deal with the ground game; and if you are dissatisfied, of course you need not take the shooting again.”

That would be the practical operation of the clause, that there would be an ample protection to both owner and occupier.

MR. SOLATER-BOOTH said, the argument of the right hon. and learned Gentleman the Home Secretary was a very ingenious one; and, as a fact, it might be true that a collusive arrangement might be made between owner and occupier; but he had overlooked the fact that occupiers of land, even under the Act, might sometimes be persons who would be desirous to sub-let the shooting. His nearest neighbour in Hampshire occupied a farm from a non-resident landlord, and held the shooting as well. At that moment he was endeavouring to let his shooting, and was asking 3s. an acre for it. In these days,



when a man had absolute control over the land, he might find this right of game a valuable addition to his income, and it would be a great shame if he could not still retain that. But with regard to the owner, he did not think the right hon. and learned Gentleman had any answer to make at all. In Hampshire, he (Mr. Selater-Booth) occupied himself 500 acres of shooting from a gentleman who was both owner and occupier of the land. They were neighbours and friends. There was no game on his friend's farm; but it was a matter of convenience to him to occupy it, because it came in between other lands on which he preserved game; and, of course, it was convenient to his friend to receive the rent. The right hon. and learned Gentleman had said that the Amendment was contrary to public policy. The fact was, this was one of the numerous points which arose under the Bill, showing the extreme difficulty of dealing with this complex subject in this general and absolute way. He did not see that the right hon. and learned Gentleman had answered the point in reference to the owner as occupier at all; while with regard to the second point, he was ready to admit that there should be a Proviso inserted.

MR. BRAND said, he had received communications on this particular point which he wished to lay before the Committee. As to justice, he would not talk about that; for that was one thing, and the principles of this Bill were entirely another. No one could deny that the measure as regarded this particular case was monstrously unjust. He could ask the Committee to bear in mind the speech of the right hon. and learned Gentleman on the second reading of the Bill. What did he then say was the case for it? He rested his case on the fact that the intention of the framers of the Act of 1831 was that the right to pursue and kill game should be vested in the occupier of the soil, and that, by reason of a power which landlords possessed, that that right had been evaded. Suppose they admitted the grievance. It was a grievance, then, in the case of all occupiers whose landlords reserved the right of the shooting. But he wanted the Committee to consider, not the case of those occupiers, but the case of other occupiers who now, at that moment, had, by the Act of 1831, or at Common Law, the right to pursue and kill game on

their lands. He had received from gentlemen in that position communications to the effect that, at the present moment, they did alienate and divest themselves of this right, and they were free to do so by the law, and they did it for a valuable consideration. Those gentlemen contended that if the Bill was carried in its present form, that right would be entirely valueless. Of course, no one would give anything for shooting of a mixed character over land where the tenant had a right which the State said he should not divest himself of. He maintained that no answer had ever yet been made to his hon. Friend opposite (Mr. Chaplin) on that particular point. If the tenant farmer in England at the present moment was not sufficiently powerful to maintain, as a condition of his occupation—

MR. DUCKHAM: Sir, I rise to Order. I think the Question before the Committee—

THE CHAIRMAN: Order, order!

MR. BRAND said, he was distinctly in Order, he believed; but, of course, hon. Gentlemen did not like to have the truth told them. If the tenant farmers in this country were not now sufficiently powerful to obtain from their landlords, as a condition of their occupation, the right which the law gave them, how would they be able to make it a condition of their occupation that they should enjoy this inalienable right? The fact was, that even after this Bill passed, the question of ground game would continue to be a matter of agreement between the landlord and tenant; and the only difference between the two cases would be that at present it was a legal agreement, while in future it would be an agreement not legal, but nevertheless binding between the parties in honour. He knew, in this matter, the rules of justice and, perhaps, of political economy, certainly the principles of liberty, would not be considered by those who had determined to vote for the Bill, and to support the Bill for the purpose of obtaining some political advantage. He contended that those were the real reasons which actuated a great many hon. Members in the course they were taking in supporting a measure which infringed principles formerly held sacred by the Party to which he had the honour to belong. It was the last time he should protest against the Bill and its infringement of great prin-

*Mr. Selater-Booth*

ciples; and, therefore, he would make one last appeal to his right hon. and learned Friend the Home Secretary, and beg to draw his attention to the words of an eminent Statesman, to whose utterances he thought his right hon. Friends would pay respect, if not, perhaps, reverence. Those words were addressed to a public meeting in 1872, at a time when the Liberal Party was in power, and when a certain system of social measures, restrictive in their character, had made that Government rather unpopular in the country. They were words of warning addressed by a Liberal politician to the Government—

“It is very necessary that those who take part in public affairs should make up their minds very clearly upon the limits of the province of the Government. There seems, day by day, a growing disposition more and more to invoke the interference of Government in every relation of social life. I believe this to be a most dangerous tendency, and one to which it is necessary to offer an early and determined resistance. It entirely accords with the principles of men who believe that the Government cannot govern unless it is always interfering with everybody and everything, and that the best way to do people good is to make them as uncomfortable as possible. But these are not, and never have been, the tenets of the Liberal Party. It there be any Party which is more pledged than another to resist a policy of restrictive legislation, having for its object social coercion, that Party is the Liberal Party. The proud title which it has assumed proclaims the principle on which it is founded to be that of liberty. I am against the whole system of petty molestations and irritating dictation, whether by a class or by a majority. I do not admire a grand maternal Government which ties nightcaps on a grown up nation by Acts of Parliament.”

These words were addressed to a public meeting of his constituents on the 31st December, 1872, by the right hon. and learned Gentleman who was now the Home Secretary. They were now pursuing a policy of restrictive legislation, and, he was sorry to say, under the guidance of that very right hon. and learned Gentleman.

COLONEL RUGGLES-BRICE said, if the right hon. and learned Gentleman the Home Secretary would not accept the first part of the Amendment, he (Colonel Ruggles-Brice) did hope that he would accept the other part; for he could not understand why persons, who were both owners and occupiers at the same time, were to be prevented from letting their shooting. He wanted to know who would be injured if owners let the shooting on their own occupa-

tion? If the right hon. and learned Gentleman could show any injury which would result from the insertion of that Amendment in the Bill, he would be very happy to support him; but, for the life of him, he could not see how anybody would have the slightest grievance if that part of the Amendment were accepted. As to the other part, the right hon. and learned Gentleman had said that all the landlord had to do was to leave out the mention of shooting in the lease, and the Bill would be defeated. This was a difficulty, however, which would be met if the right hon. and learned Gentleman would insert in the Amendment a condition that shooting should be mentioned in the lease, and consideration given for it. He did hope the right hon. and learned Gentleman would see that this was not an Amendment in opposition to the Bill. Hitherto, he had supported the measure because he believed it was a very good one, and was necessary for the preservation of the crops of the farmer from injury from ground game; but, at the same time, he did not wish to see that principle carried too far, and he could not understand why the Amendment should be refused.

MR. BIDDELL said, where the crops and the land belonged to one man, he did not see that they had need to legislate for him. He was quite ready to admit that there must be some check upon the over-preservation of ground game; but the 1st clause did that effectually, and he was not aware of any grievance where the tenant owned the land. For his part, he (Mr. Biddell) thought the hon. Gentleman (Mr. Chaplin) was quite correct in saying that the Bill did confiscate a right. He (Mr. Biddell) hired certain land, and when he hired it he gave more for it because of the game. He had got the land, and had on it the game; and he had something else—namely, rheumatism in his ankles, which prevented him going out after it. Now, under those circumstances, why should he be prevented from letting the game? Of course, it might be said that he could let it to a tenant who would rely on his honour not to shoot it. The whole of the Bill resulted from honour being broken. It was the offspring of misplaced confidence. No honourable landlord ought to eat up his tenant's crop

without consideration. If they could rely on honour they did not want the Bill at all. They did not want any enactment where the tenant was landlord and occupier too. If he got hurt from game he must take the consequences. He hoped the right hon. and learned Gentleman would re-consider this question, and see whether, as a considerable part of the land in England was held by men who also owned the game, this law should be allowed to come in and interfere in such cases. Besides, if the Bill passed, he would not be able to let his harvest men kill rabbits without sending notice to the Inland Revenue. Why should the tenants have that put upon them? It seemed to him that the measure went a great deal too far, and he hoped it would be limited to cases where the owner preserved ground game.

MR. JAMES HOWARD said, the grievances which had been dwelt upon were entirely imaginary, as were the difficulties raised by the hon. Member for Mid Lincolnshire (Mr. Chaplin). He (Mr. James Howard) happened to be both owner and occupier, and was, therefore, in a position to judge. Certainly, in the matter of game, he felt himself perfectly master of the situation, and if he felt inclined to let it, he saw no practical difficulties in the way. In regard to the position of his hon. Friend the Member for West Suffolk (Mr. Biddell), he would say that if he wished to let his game he could do so. Notwithstanding his concurrent right, his game undoubtedly had a certain value. If he killed it down, or interfered with the sport of the man he let his game to, the result would simply be that he would have a difficulty in finding a tenant next year. That was all this alleged grievance amounted to.

MR. CHAPLIN said, the hon. Member for Bedfordshire (Mr. James Howard) had declared that his (Mr. Chaplin's) grievance was wholly imaginary, and seemed to consider that he had completely answered him by saying that he was owner and occupier. So far from his grievance being imaginary, he could tell the hon. Member that if he had ever made inquiries into the matter, he would find that he was entirely mistaken. The hon. Member said the game would continue to possess a certain value; no doubt, it would; but

that was not the question. The point he (Mr. Chaplin) submitted to the Committee was, would the value of the game be the same, or would it be seriously diminished by the Bill? He maintained, against all comers, that the value of the shooting, when the Bill passed, must be seriously diminished; and by every sixpence that it was so diminished the Bill was confiscating the property of certain individuals. The answers of the right hon. and learned Gentleman the Home Secretary on these points had been completely unsatisfactory from beginning to end. He suggested that the landlord would evade the law by saying nothing about game in letting the farm. Was the landlord to be the only person who would have something to say at the letting? Was the tenant such a "ninny" that he would not see what the landlord was up to? It really seemed to be supposed in that House that the tenant-farmers were the most helpless people on the face of the earth. When the right hon. and learned Gentleman said that there was no such thing as confiscation, and the hon. Member for Bedfordshire had said the same thing, he would beg to put a practical case before them, asking the Committee to remember as an apology for that delay, that he was submitting a real grievance, and that he should be very sorry to see the principle of the measure carried without discussion, and in the unsatisfactory manner which appeared to be likely at the present moment. To take the case of an owner of land of 1,000 or 2,000 acres, which he farmed himself, situated at no great distance from the Metropolis, that would be a shooting for which there would be a great demand, especially when there was a desirable residence on the estate. He did not hesitate to say that the shooting on that estate would be worth something like £300 a-year; but if the tenant had the concurrent right to kill game, and to disturb all the game, would not that diminish the value of the letting? He could only say that after the Bill passed, he would not give 5s for the shooting, and that if he did he would be a great fool. The right hon. and learned Gentleman more strongly objected to his (Mr. Chaplin's) second proposition. Well, then, he would make a compromise with him, and would move his Amendment down to the

word "thereof" first; and in doing that he hoped the right hon. and learned Gentleman would accept it, and would not be thoroughly false to what they would otherwise be obliged to suppose were all flashy sentences, in days gone by, about the liberty of the subject, the liberty of individuals, and the liberty of the Liberal Party. That must be the conclusion that they would have to come to, if they found him, on an occasion like this, forcing this Bill with the aid of his mechanical majority down their throats; a Bill in which the liberty of the subject was interfered with in a way that it had never been in English history before.

**THE CHAIRMAN:** It will be necessary first to withdraw the Amendment as a whole, and then to propose the first part separately. That this Amendment be withdrawn ["No!"] Amendment, by leave, withdrawn. The Question is—["No, No!"]—Is it your pleasure that this Amendment be withdrawn. ["No!"]

**MR. SOLATER-BOOTH:** What, Sir, is the position of the Committee?

**THE CHAIRMAN:** Permission to withdraw an Amendment must be unanimous, and as that permission was not unanimous the Amendment stands. The assent was not unanimous.

**MR. ONSLOW:** I must object, Sir, and I must ask for your ruling on this matter. I distinctly heard you say "Amendment, by leave, withdrawn;" and then the right hon. and learned Gentleman the Home Secretary, after you had used those words, challenged your decision.

**THE CHAIRMAN:** The "Noes" did not reach me actually; but I was told that there had been cries of "No," and, therefore, I was bound to take notice of them.

**MR. RITCHIE:** I rise to Order, Sir. After you had said that the Amendment was withdrawn, I heard you go on to say "the Question is" as if you were going to put the further Question. Then it was that the challenge was given. I heard you distinctly say that.

**THE CHAIRMAN:** The hon. Member for Guildford (Mr. Onslow) is perfectly right. The cry of "No!" did not reach me, and I said—"Amendment, by leave, withdrawn." I was assured here that there was a cry of "No!" before I said so, and it is always the practice to correct a misapprehension by again putting the Question.

**MR. GORST:** I rise to Order, Sir, and I should like to ask that Mr. Speaker be called in, if there is any doubt upon the matter. The question is, whether when the Chairman of Committees has said that an Amendment is, by leave, withdrawn, and has begun to put another Question, it is then possible for the decision of the Chairman of Committees to be withdrawn, and for the Question of the withdrawal of the Amendment to be again put? I should say that a decision once given cannot be afterwards retracted; and it is not possible, after it has been given, for any hon. Member to contradict it.

**SIR WILLIAM HARCOURT:** I believe, as a matter of Order, that if the Chairman or the Speaker puts a Question "Aye" or "No," and says—"The Ayes have it," and it is challenged, even after having determined that the "Ayes" "have it," he can put it again. All I can say is, that from the very moment the question of withdrawing the Amendment was put, I cried "No!" and so did a dozen hon. Gentlemen behind me. I cannot understand how there could be any misapprehension on the point.

**THE CHAIRMAN:** There is no appeal from the Chairman of Committees to the Speaker. This question is of quite common occurrence. If by some mistake the word "No!" does not reach the Chairman's ears, and there is a misapprehension, it is a very customary thing to give the Committee an opportunity of correcting the mistake. In this case, the cries of "No!" were not heard by me, or by either of the Clerks at the Table; but as I was assured they were uttered, I desired to remove misapprehension by again asking the Committee.

**MR. WARTON:** I was going to say, Sir—

**SIR H. DRUMMOND WOLFF:** I rise to Order, Sir; and, if necessary, I shall move to report Progress. It is not an appeal to you, Sir, and the illustration of the right hon. and learned Gentleman the Home Secretary is not in point. It is not a question of whether "Aye!" or "No!" was said. You said—"Amendment, by leave, withdrawn;" and then you added—"The Question is." On which some of those Gentlemen opposite then challenged the decision you had already given. Every hon. Member heard it, and I

think it is most important that when you have given a decision you should not go back upon it, because some of those hon. Gentlemen say it is wrong.

SIR WILLIAM HARCOURT: Well, Sir, not to waste time, I will ask hon. Gentlemen behind me to allow the Amendment to be withdrawn.

Amendment, by leave, *withdrawn*.

Amendment proposed to the proposed Amendment, in line 2, after the word "Act," to insert the words "where he occupies the land as owner thereof."—(*Mr. Chaplin*.)

MR. WARTON said, he could not help envying the hon. Member for Bedfordshire (Mr. James Howard) in his proud position of owner and occupier—master of the situation. It reminded him of the famous words of the poet Cowper—

"I am monarch of all I survey;  
My right there is none to dispute;  
As occupying owner, I say,  
I am lord of the fowl and the brute."

But what would be his position if he were to try to let his right of shooting? The Bill prevented his doing so, and if the right hon. and learned Gentleman the Home Secretary wished to deal with that difficulty, he ought to introduce a new Interpretation Clause, and to say occupiers sometimes meant occupier and sometimes owner.

MR. JAMES HOWARD said, the wit of the hon. and learned Member for Bridport (Mr. Warton) was, unfortunately, lost to him (Mr. James Howard), and to hon. Members sitting near him, on account of the imperfect articulation of the hon. and learned Gentleman. With respect to what had fallen from the hon. Member for Mid Lincolnshire (Mr. Chaplin), he had missed the whole point of his (Mr. James Howard's) argument. The simple question before the Committee was the value of these sporting rights; and, on that point, he maintained that an owner or occupier had the matter entirely in his own hands. If he behaved well to his shooting tenant, the sporting rights would be of the same value as heretofore; and if he did not, but took an undue liberty with them, then their value would be reduced. And this held good also in respect of a tenant who had the power to let his shooting.

*Sir H. Drummond Wolff*

Question put.

The Committee *divided*:—Ayes 82; Noes 145: Majority 63.—(Div. List, No. 121.)

MR. CHAPLIN said, the next Amendment he had to move was of a different kind; but he was almost afraid to move anything now, after the rejection of his last proposal, which appeared to him the most reasonable Amendment which probably ever was moved. The object of his Amendment now was to avoid the annoyance, which would occur under the Bill, to a gentleman who was an owner of a residence and park, who let his park for grazing, and lived at the house. It would, of course, be highly objectionable to a gentlemen when he was in the residence, after he had let his park for grazing, that he should be annoyed night and day by persons being about killing ground game. He hoped, therefore, the right hon. and learned Gentleman the Home Secretary would accept this Amendment.

Amendment proposed to the proposed Amendment,

After the word "lands," to insert "or by reason of an occupation of a park or domain, or other land let to him for the purpose of grazing or pasturage only."—(*Mr. Chaplin*.)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, he had intended to meet this Amendment as far as he could by the last sentence of sub-section 2. He knew that land was let out for the grazing of cattle a good deal in England, and in his own part of the country they called it "agistment." He was obliged to place the limit at nine months in that sub-section, because if he had made it twelve it would have taken out of the Bill all grazing land, and would have excluded from its operation every case of permanent pasturage, although pasturage suffered as much from rabbits as any land. It could not, of course, be admitted that all pasture lands should be omitted from the operation of the Bill. He fully admitted that when a man let the grazing of his park he ought to be protected from disturbance of persons shooting the game there; but the second part of sub-section 2 would really do that, because nine months covered the whole time for which parks were occupied for that pur-

pose. A man would let his park for nine months for grazing, and then he would have the protection of the sub-section.

MR. CHAPLIN said, he knew that certain parks were let from year to year, and that letting would have to be altered in order to bring those cases within the operation of the sub-section; but if the right hon. and learned Gentleman would make it twelve months in his sub-section instead of nine no difficulty would arise. They evidently both had the same object in view; but he only wished to carry out the arrangement completely.

SIR WILLIAM HARCOURT said, that if he did alter it to twelve months, that would practically bring in the case of all pasture in England, which was let usually on yearly agreements. If the hon. Gentleman was very much dissatisfied with that he would consider it, and deal with the matter fresh on the Report; but he really thought his sub-section met the difficulty, and he could assure him he was very anxious to effect what he desired.

MR. HICKS said, he did not wish to stop the Committee; but he would press the importance of making this twelve instead of nine. [*Cries of "Divide, divide!"*]

Amendment, by leave, *withdrawn*.

MR. CHAPLIN said, he must press his further Amendment, which dealt with the case of tenants who had game to let. He had been told by several hon. Gentlemen that they would suffer serious loss if the Bill passed. He knew cases where the whole of the shooting on the land was let to the tenants at 6*d.* per acre, and the tenants had sub-let it for 1*s.* or 1*s.* 6*d.* They thought that that right, after the passing of the Bill, would not be worth anything at all. His Amendment was moved in the interests of the tenant; and, therefore, he must have a division on the Amendment, unless the right hon. and learned Gentleman would give them an assurance that, before the Bill was finished, he would introduce some clause giving compensation to the tenants for the loss thus inflicted upon them. If he would do that he would not go to the division. If, on the other hand, the right hon. and learned Gentleman persisted in his present proposition, he must ask the Committee to divide.

SIR WALTER B. BARTTELOT said, if twelve months would shut out the whole of the pasture land in England, why could not the right hon. and learned Gentleman the Home Secretary make it ten or eleven months instead of nine? He might, at least, put up his limit to the longest possible period.

Amendment proposed to the proposed Amendment, sub-section 2, line 4, leave out "nine" and insert "twelve."—(*Sir Walter B. Barttelot.*)

MR. WARTON said, he had an Amendment before they came to the word "nine." It was to leave out the word "less" and insert "not more."

THE CHAIRMAN: When the Amendment of the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) is disposed of, the Amendment of the hon. and learned Member can be put.

SIR WALTER B. BARTTELOT wished to know if the right hon. and learned Gentleman the Home Secretary objected to his Amendment?

SIR WILLIAM HARCOURT said, that he was aware that the period mentioned in the sub-section was not the ordinary period of letting, but that of grazing, in Scotland especially. If he allowed "twelve" to be inserted the Bill would be evaded, by letting a farm for 364 days, for instance, instead of 365. The period fixed upon was one by which they hoped to avoid evasion.

MR. TOTTENHAM asked if the right hon. and learned Gentleman was aware that in certain parts of Ireland the letting was for eleven months? In that case, or where the letting was for twelve months, they would clearly come under the operation of the Bill.

MR. HICKS said, he would submit that the Bill ought to be confined to what appeared on the face of it—namely, *bond fide* tenants or occupiers; and as long as the owner, or lessee who was not the owner, occupied the land himself, his right to the ground game should be unrestricted. Nothing less than twelve months made a man an occupier, or a ratepayer even; and, therefore, he would submit that the right hon. and learned Gentleman was not consistent when he placed a period of less than twelve months upon the Paper.

SIR WILLIAM HARCOURT said, he thought the hon. Member for Cam-

bridgeshire (Mr. Hicks) did not quite understand the object they had in view in putting that period in the sub-section. It was to make it perfectly clear as to who would be, and who would not be, considered an occupier for the purposes of that Act. The object was, in fact, to clear up any doubt which might exist.

MR. GRANTHAM said, that the Preamble stated that the Bill was introduced—

“In the interests of good husbandry, and for the better security for the capital and labour invested by the occupiers of land in the cultivation of the soil.”

For his part, he did not see why nine months should be chosen as a limit any more than twelve. The Bill was intended to meet the case of an owner who had such an immense number of rabbits that danger accrued to the pasturage, and the tenant, therefore, suffered loss; and not to meet such cases as they were now discussing. For those reasons, he hoped that they would leave the matter until Report, with a view to omitting such limitations from the Bill.

MR. TOTTENHAM said, he hoped the right hon. and learned Gentleman would accept twelve instead of nine. In some parts of Ireland, as he had already stated, it was the custom to let land for eleven months; and, therefore, if nine were retained in the Bill, the tenant for eleven months would enjoy a right which the tenant for nine would not possess.

SIR WILLIAM HARCOURT said, that if he accepted the Amendment the greater part of the grazing land in England would be excluded. He must, therefore, decline to do so.

Amendment, by leave, *withdrawn*.

MR. WARTON moved to omit the word “less,” and insert the words “not more,” in line 4 of the sub-section.

Amendment proposed to the proposed Amendment, in line 4, leave out “less,” and insert “not more.”—(Mr. Warton.)

Amendment *agreed to*; words *substituted* accordingly.

Sub-section, as amended, *agreed to*.

MR. CHAPLIN said, he would now ask leave to move an Amendment to add words at the end of the sub-section which would give the tenant the right to

sub-let the shooting. Many landlords let the shooting to the tenants, and the tenants sub-let it. He wished to preserve to the tenant the property he had thus acquired.

Amendment proposed to the proposed Amendment, to add at the end thereof—

“Or where he occupies the land as tenant thereof, having the right to kill game thereon, with power to sub-let that right.”—(Mr. Chaplin.)

Question proposed, “That those words be there added.”

SIR WILLIAM HARCOURT said, that he would not repeat the arguments that he had already used to show why the Amendment should not be accepted. That identical Amendment had already been before the Committee, and had been withdrawn. He had already stated that the Amendment would allow the whole Bill to be evaded, for it would enable the tenant, on whom a right was conferred, to sign it away. He should like the Committee to remember the remark of the hon. Member for West Suffolk (Mr. Biddell)—namely, that the Bill did not deal with rights larger than those of a tenant farmer. That, he wished to say, would be adjusted by an Amendment which would be found on page 20, by which he proposed to add, at the end of Clause 2, these words—

“Save as aforesaid the occupier may exercise any other or more extensive right which he may possess, in respect of ground game and other game, in the same manner, and to the same extent, as if this Act had not passed.”

Therefore, if a tenant had rights which would not be interfered with by that Bill he would be in the same position as before. There was, however, one exception to that—namely, that the concurrent right conferred by the Bill, of shooting hares and rabbits, could not be curtailed. Suppose, for instance, a shooting tenant said—“I will give you £20 for the shooting over your farm; but you must not exercise your concurrent right unduly, or else I shall not take it.” That represented how the matter would stand. They had drawn the Bill so as to give as much protection to the farmer as they could, and so as to interfere as little as possible with sport. He believed the proposed arrangement would exactly do that, for the farmer could, if he wished, keep up the game and make money by letting it, and if the game destroyed his crops he would

*Sir William Harcourt*

have no grievance. In short, where a farmer could at present let, he would also be able to let under that Bill, subject to the preservation of the concurrent right in referring to ground game. He believed that would satisfy the hon. Member for West Suffolk (Mr. Biddell); and he thought they would see that he could not accept the Amendments proposed, because the whole Bill might then be defeated by an agreement between landlord and tenant.

SIR STAFFORD NORTHCOTE said, he did not know whether the illustration of the right hon. and learned Gentleman was really meant to be taken literally; but he would point out that it was entirely at variance with the 3rd clause of the Bill. The right hon. and learned Gentleman had stated that where a shooting tenant agreed to give £30 for the shooting he might say—"If you exercise your concurrent right so as to damage my interest I shall not pay you £20." The Committee would see that, according to the terms of the Bill, "any agreement which gave any advantage in consideration of forbearing to exercise his right should be void."

MR. CHAPLIN said, that the right hon. and learned Gentleman had declared that his Amendment was aimed at the vital principle of the Bill. He entirely denied the accuracy of that, except on the supposition that the farmers were the most stupid and helpless people in the country, instead of being, as he believed, the best men of business. The right hon. and learned Gentleman had not met the charge that he had brought—namely, that he was depriving the tenant who had possession of the shooting of a valuable right without giving him any consideration. The right hon. and learned Gentleman said, and quite truly, that the tenant might let the concurrent right, perhaps, at £50 a-year. He contended that the concurrent right was infinitely less valuable than the sole right. Where one could let the concurrent right for £50, the sole right would be worth £150. It was that £100 a-year they were going to deprive them of without any compensation whatever. He protested, once for all, against legislation of that kind; and, therefore, he must divide the Committee upon the Amendment.

MR. BRAND said, he merely wished to state that if his hon. Friend (Mr.

Chaplin) divided the Committee he should divide with him. If his right hon. and learned Friend, after what had been said in that debate, wished it, he would give him privately the name of a large landowner whose tenants possessed the sole right, and would not be able after the passing of that measure to make anything like the same amount by letting the shooting.

MR. RODWELL said, that the Member for Mid Lincolnshire (Mr. Chaplin) seemed to misunderstand the object and scope of the Bill. He (Mr. Rodwell) had protested against its being said that the tenant farmers could not, under the existing law, protect themselves. That was, no doubt, the cause of the Bill, and its object was stated to be also in the interests of good husbandry. The hon. Member had referred to the sub-letting of the shooting at 1s. an acre, and had asked whether they supposed the farmers to be feeble and helpless. It was exactly because they were feeble and helpless, and that they had proclaimed themselves to be so, that that Bill was brought forward. It was only upon that ground that the Bill could be justified. Therefore, he did not think that his hon. Friend could ask the Committee to introduce a clause which would not protect the farmer, or be in the interests of good husbandry. Under these circumstances, he trusted that his hon. Friend would not press his Amendment. He did not know whether others took the same view of it; but it appeared to him (Mr. Rodwell) to be entirely foreign to the Bill, and opposed to it.

MR. J. W. BARCLAY said, there could be no doubt that considerable injustice had been done, and that the object of the Bill was to take away a right from the landlord and confer it upon the tenant, in order, if possible, to remove that injustice. He trusted that the hon. Member for Mid-Lincolnshire (Mr. Chaplin) would withdraw his Amendment.

MR. JOHN C. LAWRENCE said, he believed there was a good deal of truth in what had fallen from the hon. Member for Mid Lincolnshire (Mr. Chaplin). Many tenants did, undoubtedly, value their right to sub-let the shooting. An agent of some large properties had told him that there were, at the present time, tenants waiting to know the results of the Bill, and two or three would refuse



to take their farms if it became law, because they had been in the habit of making 1s. or 1s. 6d. an acre by the shooting. He believed that it would be a *bond fide* wish of the tenant farmers that the Bill might be defeated, especially when they knew that they would not have the opportunity of letting the right to shooting to the landlords.

Mrs WILLIAM HARCOURT said, that what the hon. Member had just stated might be true, if they were going to place anything invidious to the farmers in the Bill. It was precisely because they had no intention of doing that that they refused to accept the Amendment.

LORD ELOHO rose to say that the Bill was of so extraordinary a character that it was desirable, on every possible occasion, to dot the i's and cross the t's. [*Cries of "Divide!"*] He appealed to the right hon. Gentleman in the Chair. He wished to know whether he would not protect hon. Members speaking in that House. He objected to hon. Members opposite, who had only occupied their seats but a very short time perhaps, and representing Radical constituencies or newspapers, interrupting his remarks, when he had not said anything whatever disagreeable. He trusted that the Chairman would give that protection they had a right to expect from him. Having said that much, he would pursue his remark. He wished to point out a remarkable thing in that discussion, and that was that a Gentleman such as the hon. and learned Member for Cambridgeshire (Mr. Rodwell), who posed before that House and the country in the character of the farmers' friend, should make such a statement as they had just heard—namely, that the farmers were in a state of infantile impotency, and incapable of making a bargain.

MR. RODWELL said, he never made use of any such expression. What he did say was, that the farmers were, to a certain extent, feeble and helpless. That was a very different thing from "infantile impotency." He would explain what he meant, and he thought that the noble Lord the Member for Haddingtonshire (Lord Elcho) would see that he was right. On large properties in the counties of Norfolk and Suffolk, for instance, the abandonment of the sporting was a condition precedent to a lease.

Farmers could not go to the landlords and ask them to give up the right of shooting, however much damage might be done to their crops. Therefore, to that extent, they were helpless. They had a bare right, but no power. He did not doubt but that, in other respects, they were as fully competent to carry on their business as other people. A tenant would as soon think of asking for the use of his landlord's drawing-room or cellar as for the right of sporting over his farm.

LORD ELOHO said, that what he stated was that it was the friends, or rather those who posed as the friends of the farmer, who spoke of the farmer as being in a state of infantine helplessness. The expression used by the hon. and learned Gentleman (Mr. Rodwell) was feeble and helpless. He (Lord Elcho) believed infancy was feeble, and infancy was helpless; therefore, he had simply expressed the same sentiments in other words. But, as to the point raised, it had been said that the tenants in Suffolk had not the right of shooting, and that the landlords would be very much astonished if they asked for it. He had enjoyed many day's shooting in Suffolk, and he knew that the farmers in the county were called upon to pay 5s. per acre less than the market value, in consequence of the shooting right being reserved. ["Oh, oh!"] It was so, and he repeated it as a fact. He had shot very many times on an estate which, as he thought, had far more ground game than there ought to be on any farm; but the tenants did not complain, and why? Because they got their land at 5s. per acre below the market value. And what would be the effect of the Bill? The right hon. and learned Gentleman the Home Secretary knew quite well that the measure was a sham, and that land, instead of being let at 5s. per acre below its value, would be let at its full market value. If, however, the tenant did not exercise his rights, probably the full value would not be pressed.

MR. CHAPLIN said, his hon. and learned Friend (Mr. Rodwell) had stated that the farmers of Norfolk, Suffolk, and Cambridgeshire were feeble and helpless, and unable to protect themselves. That was the character his hon. and learned Friend gave the farmers, and not the character he (Mr. Chaplin) gave them. The hon. Member for Bedfordshire (Mr.

James Howard) told them that, as far as he was acquainted with farmers, instead of their being unable to protect themselves, one-third of the farmers of the whole country already enjoyed the right of sporting. Farmers with whom he (Mr. Chaplin) was connected were amongst the most independent men he knew in the country; and he thought the speech of his hon. and learned Friend (Mr. Rodwell) was an admirable argument in favour of scheduling certain districts of the country in the Bill. If his hon. and learned Friend cared to move an Amendment scheduling Norfolk, Suffolk, and Cambridgeshire, and other parts with which he was acquainted, in the Bill, he would not oppose him. He hoped, on the other hand, that the hon. and learned Gentleman would allow him and others to say that they would rather be exempted from the operation of the Bill. In spite of all the appeals made to him on that question, he should divide the Committee; because it was one upon which he felt very strongly. He should divide the Committee in the interests of one-third of the tenants of England, who, on the authority of the hon. Member for Bedfordshire (Mr. James Howard) had the right of sporting already.

SIR WILLIAM HARCOURT said, that the hon. Gentleman (Mr. Chaplin) suggested that certain counties should be scheduled in the Bill; and he (Sir William Harcourt) supposed that the hon. Member also meant that other counties should be excluded. He would like to ask the hon. Gentlemen on the Front Opposition Bench what their opinion was. He would like to know whether the right hon. Gentleman the Member for North Hampshire (Mr. Selater-Booth) would like to have Hampshire excluded? and he saw sitting on the Bench opposite the two Members for the County of Devon. He would like to know whether they would like Devon to be excluded? In fact, he would extremely like to know the views of county Members generally on that subject, and who were the people intending to be candidates at the next Election who would vote for the exclusion of their counties from the operation of the Bill.

Question put.

The Committee *divided*:—Ayes 64; Noes 143: Majority 79.—(Div. List, No. 122.)

MR. TOTTENHAM, in moving to add to Sir William Harcourt's Amendment in page 1, line 16, after sub-section 2—

"Or by reason of his holding (whether fenced or otherwise, extending into a mountainous district, except on those parts of such holding as shall be actually under meadow or crops,"

said, his Amendment was particularly applicable to the mountain farms in Ireland, which run in long narrow strips from the valleys up the mountain sides, and the upper parts of which were exclusively heather and rushes. From these farms there had never been any complaints of damage being done by hares and rabbits or other game; in fact, the Bill was not required at all in Ireland, where excessive preservation of game did not exist. It was only the lower parts of the farms which were arable, and used for crops; the other parts, in many cases, were not fenced in. Now, if persons could set snares and pitfalls for hares on the upper part of these farms, the result would be the inevitable destruction of almost all the grouse on the mountains; because it was a well-known fact that grouse always ran on the paths made by the hares, and that a snare which would be destructive to hares would be equally destructive to grouse. The fact of these parts of the farms being included in the Bill would give greater facilities for poaching, and it would be almost impossible for a mountain keeper to do his duty properly, when there would practically be four months of the year in which persons would be at liberty to shoot all round and in every direction over the mountain. He had consulted with many Irish Members on both sides of the House as to the necessity for the Amendment, and they all agreed with him that it was necessary. It was, however, necessary, not because it interfered in any way with the rights of the occupier, but because it would tend to the preservation of sport. The right hon. and learned Gentleman the Home Secretary had stated that he had no desire to see sport interfered with; and, therefore, he (Mr. Tottenham) hoped he would accept the Amendment.

Amendment proposed to proposed Amendment,

In page 1, line 16, after sub-section 2, to add "or by reason of his holding (whether fenced or otherwise) extending into a mountainous dis-

strict, except on those parts of such holding as shall be actually under meadow or crops."—(Mr. Tottenham.)

SIR WILLIAM HARCOURT said, that the effect of adding the proposed words to sub-section 2 would be that the Bill would not operate on those lands at all. He did not wish to place Irish tenants in a far more disadvantageous position than the English or Scotch tenants, which would be the effect of the Amendment. The truth was that in Scotland the occupiers of moorlands had insisted upon the necessity of having protection, at all events, during the limited part of the year. If he were to agree to the Amendment, he would consent to the Irish tenants farming mountain lands having less protection than was given to Scotch and English tenants. He could not see any justice in the proposal of the hon. Gentleman. The mountain lands in Ireland ought to be placed on exactly the same footing as those in Scotland—that was to say, the right would not be exercised at a period when, in the opinion of Scotch landowners and tenants, it was desirable that they should not be interfered with for the purpose of preserving grouse. He did not wish to interfere with grouse or with grouse moors; and, by general concurrence, it had been agreed that sub-section 4 provided adequate protection for them. He could not assent to the Amendment.

MR. SEXTON said, he was very glad that the right hon. and learned Gentleman the Home Secretary had refused to accept the Amendment, for it was already felt that the farmers of Ireland were placed in a worse position than those of England or Scotland. The hon. Gentleman (Mr. Tottenham) had spoken of a conference of Irish Members. He (Mr. Sexton) was not aware of any such conference having been held; and he was confident that the Members of the Irish Party with whom he generally acted knew nothing of it. On the contrary, they were unanimously opposed to the Amendment of the hon. Gentleman.

*Amendment negatived.*

SIR WILLIAM HARCOURT moved that sub-section 3 be added to the Bill—

(3.) "The occupier shall not, nor shall any person authorised by him, use any firearm for the purpose of killing ground game except between the last hour before sunrise and the

first hour after sunset; and neither such occupier, nor any person authorized by him, shall employ spring traps above ground for the purpose of killing ground game."

*Amendment proposed,*

To add to the end of the last words "(3.) The occupier shall not, nor shall any person authorized by him, use any firearms for the purpose of killing ground game."—(Sir William Harcourt.)

*Question proposed, "That those words be there added."*

MR. BRAND asked, if his Amendment to omit the whole sub-section had better be taken at that point, or after the Amendments to the clause?

THE CHAIRMAN: The Amendment to omit the whole of the sub-section would come here.

MR. BRAND said, it would facilitate the course of Business, if the right hon. and learned Gentleman the Home Secretary would say whether he would accept the Amendment.

SIR WILLIAM HARCOURT said, he could not give the hon. Member (Mr. Brand) the slightest encouragement. The hon. Gentleman knew perfectly well that the proposal to strike out the limitations contained in the sub-section was only another method of defeating the Bill. These limitations were introduced in order to satisfy a good many hon. Gentlemen who would otherwise have opposed the Bill. He was very happy to think that on that side of the House the spirit in which the sub-section was proposed had been accepted in the most cordial manner. A number of hon. Gentlemen, who at first were inclined to oppose the Bill, now gave it their cordial and loyal and constant support. He did not think there was anybody on that side of the House, except the hon. Member for Stroud (Mr. Brand), who, since these Amendments were put on the Paper, had shown any hostility to the Bill. Under those circumstances, he should consider it very unfair to those Gentlemen who now supported it in consequence of these Amendments to withdraw them or any of them upon the suggestion of the hon. Member for Stroud, who, in the first instance, attacked the Bill from the extreme Liberal point of view, and then, when it was not successful, from the extreme Conservative point of view.

MR. BRAND said, the right hon. and learned Gentleman knew very well that

he had persistently opposed the Bill. He (Mr. Brand) admitted that the principle had been accepted by the House; and, that being so, it was a very ungracious thing to include these restrictions, which were exceedingly vexatious and annoying. There was one reason why the Committee should not accept the proposed limitation—namely, that the limitation must be enforced by a penalty. He wished the Committee to bear in mind that these limitations and all other limitations must be enforced by a penalty, either in the Bill itself, or else by a penalty under the Poaching Act. There was an Amendment on the Paper to omit Clause 7 and insert a clause repealing the 12th section of the Act of 1 & 2 Will. IV. He understood that the 12th section of that Act, so far as it was inconsistent with the present Bill, would be repealed; but still the penalties in that Act would be maintained, so that if the tenant acted in contravention of that clause, and either shot before sunrise or after sunset, or employed traps above ground, he would be liable to a fine of £2, and to £1 for every animal he killed. That was a very curious limitation to attach to the right. A great many hon. Gentlemen in the Committee supported the limitation on the ground that it would encourage sporting. At the present moment, the sporting was entirely dependent upon the goodwill and concurrence of the tenant; and what he said was—"Let them trust, in these matters, to the goodwill and good understanding between landlord and tenant. Let them make agreements in that, as well as other matters; and do not let them put into Acts of Parliament penalties to enforce these limitations upon the tenant farmer." It was agreed, too, that traps used above ground were cruel. If that were so, it was a good reason why the restrictions should be imposed upon all alike. There was no justice in imposing the restrictions upon tenants and not upon the landlords themselves. Believing that all these details would be best met by the Amendments of the right hon. Gentleman the Member for North Hants (Mr. Solater-Booth), and intending, as he did, to vote for that Amendment, he begged leave to omit the sub-section.

*Amendment proposed, to omit the proposed sub-section.—(Mr. Brand.)*

SIR WALTER B. BARTTELOT really wished to know at what point the Committee had arrived. The right hon. and learned Gentleman the Home Secretary had risen to answer the statement of the hon. Member for Stroud (Mr. Brand); but the Chairman of Committees ruled the proposal to be out of Order. He, therefore, assumed that some doubt might arise as to the remaining portion of his Amendment. He did not intend to go into the matter; but he was bound to say that his right hon. and learned Friend had not set the good example they would naturally have expected from him, especially when they had been getting on so quickly with the Bill. The question which he had to raise was a very important one, and it was one which, although it had been referred to, had never been absolutely raised in the discussion of the Bill up to the present time. He referred to the question as to the use of the gun. He daresay that, so far as his own county was concerned, there would not be the least objection to allow the use of the gun to the tenant farmers.

THE CHAIRMAN: The hon. and gallant Baronet's Amendment will come on subsequently; I have only read down to the words which precede his Amendment. If they are negatived, then the Amendment of the hon. and gallant Baronet will come next. I had only read down to the words "ground game." The Question is that those words be there added.

MR. CHAPLIN wished to know exactly what the Amendment of the hon. and gallant Baronet (Sir Walter B. Barttelot) was.

COLONEL RUGGLES-BRICE understood that the Amendment applied to the rejection of the entire sub-section 3.

SIR WILLIAM HARCOURT thought the way in which the Question stood at present was this. The Chairman had put the words of the sub-section down to the words "ground game" in the 2nd sub-section, and the Question proposed by the right hon. Gentleman was that those words should be there inserted. If these words were carried, then the hon. Member for Stroud (Mr. Brand) would be at liberty to move the rejection of the entire sub-section; and in the event of the proposition of the hon. Member not being carried, it would be competent for other hon. Members who had Amendments on

the Paper to move them. At present, the whole of the sub-section was not put to the Committee, but only part of it.

SIR STAFFORD NORTHCOTE apprehended that there was one point which hon. Members did not perceive. It was this—that they could not put a sub-section in the way in which they would put a clause. They must first amend, and then vote for a clause; but a sub-section occupied the place of an Amendment, and must be taken line by line; and if a vote was to be taken upon the Amendment of the hon. Member for Stroud, it must be taken at the beginning, or it would be too late. In the first place, the Committee would, as it were, decide the question of principle whether there ought to be anything in the clause in the nature of the sub-section proposed, and if it was decided that there should be, it became competent to discuss the wording of the sub-section.

THE CHAIRMAN: The Amendment is that—

“The occupier shall not, nor shall any person authorised by him, use any firearms for the purpose of killing ground game.”

The Question I have to put is, that those words be there added.

LORD ELCHO said, he had a word or two to say in regard to the Amendment. He quite entered into the feeling of the hon. Member for Stroud (Mr. Brand) that if they could not deal with the Bill in the broad way in which they had proposed to deal with it, perhaps it was hardly worth while fighting over the mere details of the measure. But it was stated by the right hon. and learned Gentleman opposite that the object of the Bill was good husbandry and the protection of the crops of the tenant by keeping down ground game. But that could be done more effectually by traps, gins, and nets, than it could be by guns. That was notorious to anybody who knew anything of the matter. Therefore, if his right hon. and learned Friend was simply anxious to do what he professed to do, he would exclude the use of the gun altogether. But the argument for the use of the gun by the farmer rested altogether upon another ground—namely, upon a sentimental basis. The argument used on that (the Opposition) side of the House was a very strong one, that if the farmers were to shoot at all it would be practically doing away with winged game. He did

not mean to say that the farmers would shoot winged game if they were not debarred. Far be it from him to say anything of the kind; but the argument used on that side of the House was perfectly sound—namely, that it would be impossible for one, two, or any number of keepers to run to every part of an estate, when they happened to hear a shot, in order to ascertain if it was fired by a farmer who was entitled to shoot, or by a poacher. It was a fact that that was the reason why, where leave was given already to the tenants. To kill ground game and keep it down, it was left open, whether they should be allowed to do so by shooting, or by the use of traps and gins. Where traps and gins only were used the farmer was debarred from shooting, so that when a gun went off the keeper knew it was fired by a poacher. To his (Lord Elcho's) mind, that was a very important part of the question, and care should be taken, in granting the right of shooting to the farmer, that it was granted under proper precautions.

COLONEL RUGGLES-BRISE said, he did not rise for the purpose of offering opposition to the proposal of the right hon. and learned Gentleman the Home Secretary in regard to the use of firearms; but this he must say, that he thought, by this proposal, the right hon. and learned Gentleman was restricting the right of the occupier as exercised at that moment. He knew of many cases in which that would be so. They were all aware that rabbits came out of the preserves in the evening and found their way on the land, and many owners and occupiers were in the habit of killing rabbits with guns after sunset. Indeed, that was the only way of getting rid of them. He was, therefore, of opinion that the right hon. and learned Gentleman, by that proposal, was contradicting himself, and restricting, and taking away from the occupier, rights he was in possession of at this moment.

DR. FARQUHARSON sincerely trusted that the right hon. and learned Gentleman the Home Secretary would stand firm by his proposal, and would not be led away by any statements which might have been made on the other side of the House. One of the most experienced farmers in Aberdeenshire had written to him to say that if the Government put in a clause prohibiting farmers from

using the gun in killing hares and rabbits they would have done better not to have brought in the Bill at all. He, therefore, hoped the Government would not accept the suggestions which had been made to them.

*Amendment (Mr. Brand) negatived.*

*Amendment (Sir William Harcourt) agreed to.*

SIR WALTER B. BARTELOT said, he now came to the question of the gun; and he begged to move to leave out, in sub-section 3, from the word "game" to the word "sunset," in line 3. To a certain extent, the question had been raised before; but it had not been so distinctly raised as it was by his Amendment to the sub-section under notice. If the whole of the country was like his part of it, the county of Sussex, he would not object to the gun; but they had to deal with the whole of England, including the manufacturing districts and the large towns, with occupations in the immediate vicinity of those large towns. As far as they had gone, they had passed a provision enabling the occupier of the land to allow all his labourers, all his family, and one other person to destroy the ground game on his farm. Take the case of an innkeeper, living near a town, who rented a farm. He would find it very pleasant to allow people visiting his hotel to go out shooting; and under this Bill he could do so by giving them a written permission to go out and shoot ground game. Probably, the right hon. and learned Gentleman would not deny that. It was an abuse which would be created under the Bill, and there was nothing in the Bill to prevent it. They all knew perfectly well what guns would be used by a great number of these people. They would be far more dangerous to themselves than to the animals they shot at. He did not believe that the indiscriminate use of the gun was ever intended in the first instance, or that it was wished for by the great majority of the occupiers of the country. The right hon. and learned Gentleman the Home Secretary said this was a Bill for the promotion of good agriculture, and not to confer sporting rights; but here it was a clear sporting right that was given up. He wished it to be clearly understood that that was one of the questions raised by this sub-section. A clear sporting right was

given not to one person only, but to a large number of people. If the right hon. and learned Gentleman could restrict the right, as it was originally proposed to be restricted, to the occupier and his son, he (Sir Walter B. Barttelot) should have said nothing about it; but now they were to have the indiscriminate use of firearms by all to whom the occupier chose to give the privilege. Was it to the advantage of any human being that such a right should be granted? If the Bill passed, could they not trust the landlord to say whether the tenant should use the gun or not? [SIR WILLIAM HARCOURT: No.] The right hon. and learned Gentleman said he could not. He said that he could trust the tenant, but not the landlord. He (Sir Walter B. Barttelot) denied that the landlord was unworthy to be trusted in the matter, and the Bill cast a most unjust imputation upon him. He denied it, because he knew that, in the great majority of instances, the landlords had already done what was right in the matter. It was a certain class of owners who refused the privilege. It was admitted that one-third of the occupiers were able to sport over their farms already, and he should like to know how many of the landlords had given to their tenants the right to destroy ground game. The question would never have been raised at all if it had not been for the course taken by the over-preservation of game by some few large owners. He begged to move the Amendment which stood in his name.

*Amendment proposed to the proposed Amendment,*

To leave out the words "except between the last hour before sunrise and the first hour after sunset."—(Sir Walter B. Barttelot.)

*Question proposed,* "That the words proposed to be left out stand part of the proposed Amendment."

SIR WILLIAM HARCOURT remarked that his hon. and gallant Friend (Sir Walter B. Barttelot) had asked—"Cannot you trust the landlords of England to allow the occupiers the use of the gun?" and had pointed to the fact that already one-third of them allowed their tenants to shoot. Then, what was the meaning of that vehement desire to exclude the rest, and what was the meaning of the extravagant lengths to which the noble Lord the Member for Haddingtonshire (Lord Elcho) went

in opposing the Bill, if it was not a desire to prohibit the tenant farmer from exercising the right of shooting? The noble Lord said that if they allowed the occupier to use a gun they would never be able to preserve winged game, because if a gamekeeper heard a gun go off he would never be able to find out who fired it. Now, the noble Lord represented a part of Scotland which was the main cause of the grievances complained of by the supporters of the present Bill. [Lord ELCHO: No, no!] It was a part of the country in which game preservation had been carried to an extent that was found to be a great abuse. [Lord ELCHO: No!] He thought the noble Lord objected to interruption; but it seemed that it was only in his own case that he objected to it. He quite agreed with what his hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) said, that the treatment of farmers in England generally was much more liberal than in Scotland. In some of the Scotch leases the tenants were forbidden not only to carry, but even to possess a gun; and now it appeared, according to the principle enunciated by the noble Lord, that this was only because the gun might accidentally go off, and would disturb and distract the embarrassed mind of the keeper. Now he (Sir William Harcourt) had been told by an hon. Friend that a farmer he knew expressed his delight with the Bill, and said he had never approved of any measure introduced into Parliament on the subject before. The result of the Bill, however, would be that in future the tenant farmer would be consulted by the gamekeeper, and not insulted by him. It was impossible to represent the objects and results of the Bill more accurately than that. The noble Lord said—"Do not let the occupier have a gun, because he may fire it, and if he fires it off the keeper will not know what to be at." Now, that really expressed, the animus of the opposition to the Bill, and it was because he (Sir William Harcourt) thought that that animus was an unfortunate animus, and that such a feeling ought not to exist between the owners and occupiers of this country, that he believed the measure would be, in the highest degree, beneficial. His noble Friend said that he (Sir William Harcourt) knew nothing

shooting. Unfortunately, he had not been able to devote as much time to it as he should have liked, or as many other hon. Members had; but what spare time he had devoted to it he had enjoyed very much. Indeed, it was because he had enjoyed it that he was not as anxious as the noble Lord was to exclude everybody else from a similar enjoyment. They who enjoyed it should be the last persons to prevent the tenant farmers from obtaining a day's shooting, even by accident. He really could not understand the feeling which prompted certain hon. Members to make provision that nobody but themselves should be allowed to carry a gun. He admitted that there was a monopoly at the present moment; but if, incidentally, they said that shooting was an effective method of keeping down hares and rabbits, why was it to be prohibited accidentally? It might afford a little sport to the tenant farmers. He thought it a little hard that his hon. and gallant Friend should have moved this Amendment, because the hon. Member for Mid Lincolnshire, the late Under Secretary of State for India (Mr. E. Stanhope), had proposed an Amendment which involved the same proposition, and the Committee rejected it. The hon. Member proposed that only one person besides the occupier should be allowed to have a gun. The present proposition practically brought up the same proposition again, and a proposition upon which the Committee had already pronounced a decided opinion. They had declared that, at any rate, the occupier and one other person should be allowed the use of the gun. His hon. and gallant Friend now proposed to omit a certain portion of the sub-section which would have the effect of enacting that neither the occupier or his agent should be permitted to use a gun. He would say no more on the subject. The Committee had already rejected the Amendment of the hon. Member for Mid Lincolnshire, and it was utterly impossible for the Government to accept the Amendment now submitted by his hon. and gallant Friend the Member for West Sussex.

SIR MASSEY LOPES said, he was not surprised at the Amendment which had been brought forward by the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot). No man was anxious to protect the crops of

tenant farmers from devastations of ground game than he (Sir Massey Lopes) was; no one was more desirous to afford every efficient mode and means for attaining this object, to remedy a genuine grievance, and he admitted that ground game was a genuine grievance. But the Bill, as it was submitted to the House, had two objects in view; the first was its avowed and ostensible one—namely, that of protecting the crops of the farmer, and with that object he heartily sympathized; the second was a latent and concealed one, and that was the handing over of sporting rights from the owner to the occupier. The first object he regarded as a good one. It might be, to a certain extent, a legitimate one, and necessary to the interests of the community. It might be justified even if, to some extent, it interfered with the freedom of contract; but, so far as the second object was concerned—namely, that of giving the right of sporting to the occupier, he contended that it was an object which was unnecessary, impolitic, and unjustifiable. He did not think they would be justified in handing over the sporting rights from one class to another without much more adequate grounds than had already been shown. He admitted that rabbits and hares, ground game generally in any quantity, were a great grievance; but they never would be got rid of by shooting, or by the use of the gun. He did not hesitate to say that the use of the gun in the unlimited way in which it was proposed by the Bill would virtually destroy all sporting. He might mention a case which had occurred within his own knowledge. He happened to have property which was light land, and, therefore, particularly well suited for rabbits. But he found that by giving the tenants the right of netting and ferreting the rabbits all the year round, and of trapping them during three or four months in the year, there was no property of the same extent as free from ground game as his. He believed that rabbits were not to be got rid of or kept down by the use of the gun. The only effectual way to get rid of them—and everyone who had had any experience of sporting knew it well—the only efficient way of keeping down ground game was by netting and ferreting, trapping and snaring. He objected to the Bill, and to the unlimited powers which it conferred, for these reasons.

He said, in the first place, that it would tend to discourage and determine leases. Nothing gave so great a security to the tenant farmer, and more conducive to good husbandry, as a lease. In the second place, it would induce owners to take the land adjoining them more into their own hands, so as to have greater control over it, and in order to avoid any differences with their tenants. It was calculated to disturb the harmonious relations which at present existed between landlord and tenant; would be a fruitful source of dissension between them; and would be an inducement to the occupier to keep up a certain quantity of rabbits and ground game upon his farm. If they were going to give the occupier, all his sons and labourers, and others, the power of shooting, they would take care to have something to shoot at. He was anxious to avoid that as far as possible. He believed there were many farms on which ground game would pay better than sheep; but he did not think it was for the public interest that they should substitute hares and rabbits for sheep. He had been much struck by the remarks of the hon. Member for Cardigan (Mr. Pugh), who said it was a very questionable move for the occupier. He fully concurred in that observation. He was afraid it would be found if they gave the occupier, his sons, and his labourers, this power of shooting, they would prefer that as an occupation rather than attend to the interests of the farm. The occupier could limit, by this Bill, the number of guns on his estate; but the owner had no power. By this Bill the legislation for a small farm of 20 acres was just the same as for one of 1,000 acres. There was nothing in the Bill to make any distinction, and the man with an allotment of one or two acres would have the same power of shooting over that allotment, not only by himself, but by his sons and his servants, as the man with 1,000 acres. He questioned very much whether such a change would have a beneficial effect. He could instance a property of 10,000 acres, in which there was no farm larger in extent than 100 acres. Estimating, then, that there were 100 farms upon the whole 10,000 acres, they would have at least 400 or 500 men upon it with the right of carrying a gun for the purpose of shooting ground game. Could there be much other sport



upon that property, when all these persons would have the right of shooting upon it? It would be perfectly absurd to think that the right of sporting would not be entirely done away with. He wished to know what the arguments of his right hon. and learned Friend the Home Secretary were in favour of the unlimited and indiscriminate use of the gun. He told the Committee it would be a gracious act on the part of the landlord; he did not say that it was necessary in order to remedy the grievance complained of. Surely the act of grace should emanate from the landlord, and should be a matter for private contract; it was not necessary to transfer proprietary rights from one class to another, to attain the object in view; and there was no reason why such a right should be made statutory and compulsory by an Act of Parliament. It should be a pure matter of agreement between landlord and tenant. There might be reasons, in some cases, why the rights of the landlord should be restricted; but, in this case, there was no reason for, practically depriving the owner of the right of legitimate sporting, which, he contended, would be the effect of this Bill, if carried out as now proposed, and there was no just cause why Parliament should interfere with those relations, in this respect, which had always existed between landlord and tenant. He ventured to say to the right hon. and learned Gentleman that if he was really anxious to carry out the object he had in view—namely, that of destroying, or, at all events, of keeping down, ground game—that object would be far better attained by the means which he (Sir Massey Lopes) had pointed out—namely, by netting and ferreting, snaring and trapping—than by the unlimited use of the gun.

MR. J. W. BARCLAY wished to point out to the Committee that the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) seemed to misunderstand the powers which the tenant farmers would have under the Bill in regard to shooting. According to his (Mr. J. W. Barclay's) idea of the Bill, the tenant farmer would only be authorized to deal with hares and rabbits on his farm by the aid of the members of his family, his ordinary servants, and one other agent specially employed for the purpose. The case

suggested by the hon. and gallant Member of an occupier inviting his friends out for a day's shooting on his farm could not take place under the Bill so far as it had been passed. In regard to the position taken by the hon. Baronet who had just addressed the Committee (Sir Massey Lopes), it was somewhat contradictory. At one time the hon. Baronet assumed that there would be no game of any kind left on the land if this Bill were to pass, and the next moment he assumed that the sons of the small farmers would be demoralized by hunting over the farm with dogs and guns. It showed how much imagination entered into the objections raised against the Bill.

VISCOUNT NEWPORT said, he was anxious to try and persuade the right hon. and learned Gentleman the Home Secretary to re-consider the Amendment. He (Viscount Newport) understood the right hon. and learned Gentleman to say that his wish was to give to the tenant as much protection as possible, and, at the same time, to interfere as little as he could with sporting rights. He (Viscount Newport) happened himself to live in a very populous district, close to a large town; and he had no hesitation in saying that if this provision were allowed to remain in the Bill, in the part of the country in which he lived, the ordinary preservation of ground game, or the preservation of any game whatever, would become absolutely impossible. He thought that the right hon. and learned Gentleman misunderstood the argument of the hon. and gallant Member who moved the Amendment (Sir Walter B. Barttelot). The Bill, which appeared to be aimed at ground game only, would hit mortally all the partridges and pheasants also in these populous districts. He should not have opposed the sub-section had it not gone beyond the purport of the Bill as explained in the Preamble. Everyone acquainted with the question would know that the way to get rid of hares and rabbits was by nets, snares, and traps; and those modes of capture would, he was satisfied, give the occupier ample means of extermination, without the use of firearms. The permission to use the latter was, therefore, unnecessary for the purpose of the Bill.

MR. LABOUCHERE said, he had never heard a more selfish Amendment

*Sir Massey Lopes*

supported by a more dog-in-the-manger argument. It appeared that a great many persons derived pleasure from shooting game who did not derive any pleasure from trapping game. Therefore, the opponents of the Bill said—"We will allow you to trap, but we will not allow you to shoot." He wished to know whether the English farmers were to be humiliated in that way by hon. Gentlemen opposite who were their very best friends. The fact was that hon. Gentlemen opposite were pledged to make some concession which they did not like; because, if they did not make it, they would not, at the next Election, obtain the votes of those who returned them to the present Parliament. The concession they were obliged to make was, however, conceded in the most ungenerous manner possible, by their endeavouring to mark the distinction between trapping and shooting—namely, that the former was the act of a humble man, the latter the pastime of a gentleman.

Mr. ONSLOW said, he thought the noble Viscount behind him (Viscount Newport) had very truly stated the probable effects of giving the tenant farmer, and anyone he chose to appoint, the right of shooting. He (Mr. Onslow) certainly thought the point raised by the noble Viscount was worthy of the consideration of the right hon. and learned Gentleman the Home Secretary. It was not, he thought, likely to be an uncommon thing for the agent of a tenant farmer to be somewhat short-sighted; and, under those circumstances, he might endeavour to excuse himself for having killed a partridge or pheasant instead of a rabbit. It would be impossible to prevent this being done to a large extent, when guns were being fired in all directions, so that, under the guise of killing rabbits, all the pheasants and partridges would be got rid of. Therefore, if they were to have any sport left in the country, he trusted the right hon. and learned Gentleman would agree that tenant farmers should only be allowed to kill ground game by means of nets and traps.

Mr. HENEAGE said, at the present time, farmers had the right by law of walking over their farms with a gun; but they were not in the habit of destroying winged game in the manner suggested. Therefore, he could not see

why they should not have the right of shooting ground game, when the law would allow them to take and kill it. Then they were told that the farmer's agents would kill the winged game in all directions. But he had never found anyone on his own farms, where the principle of the Bill existed, in the habit of shooting, except the occupier or one of his own family; and, as to the servants, the farmer would have something better for them to do for their wages than to find them with guns and certificates to go shooting. With regard to the argument of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), that publicans would be able to give permission to parties stopping at their houses to shoot game, he did not think that his view would be confirmed, for it would be impossible, under the Bill, for an innkeeper to allow more than one stranger to shoot. He trusted his right hon. and learned Friend the Home Secretary would stand staunch to the sub-section he had proposed, and not consent to the Amendment, which would be most humiliating to the farmers and create a just grievance.

Mr. GRANTHAM said, he would answer the argument of the hon. Member who had just sat down, by saying that a farmer, in his neighbourhood—one of his own tenants, who was accustomed to let lodgings—had stated to him that he was glad the Bill had been introduced, because it would enable him to let his lodgings at a better rent, as he should be able to give his lodgers the right to shoot. He understood, as the Bill now stood, any of the household resident on the premises, that was to say, persons living on the farm, as in the case he had just mentioned, would become members of the household, and have the right to go out shooting with guns. It struck him that hon. Members opposite unfairly accused those Gentlemen who opposed the sub-section of an attempt to take away from the farmer the right of shooting. The Bill was introduced to keep down an excessive amount of ground game; but they were assuming that the object of the Bill was to give a right to shoot for the pleasure of the thing. If that were so, he had no objection to it, if done openly and under a proper name, and do not let the Bill be introduced as it was expressed in the Preamble, simply in the interests of

good husbandry. It was well known that land was worth so much more with the right of shooting; but he maintained that the Government had no right, under the cloak of giving the tenant the power to destroy ground game, to take away a right from one person without compensation and give it to another. He rejoiced that some legislation on the subject had been introduced; but he asked why it had not been based upon sound principles of legislation? Under the circumstances he had referred to, he trusted the Government would agree in some way to the modification of the clause.

MR. BRADLAUGH said, he rose for the purpose of pointing out that the person who let lodgings and expected his custom to increase by the operation of the Bill, had taken advantage of the fact that the hon. and learned Member (Mr. Grantham) had not read the Bill, and had misled the hon. and learned Gentleman as to its provisions. If he had read the clause, he would have found that the persons authorized to shoot must be *bond fide* employed by the occupier.

MR. DUCKHAM said, they had been asked more than once why the landlord was not to be trusted in this matter; but experience had shown that that could not be done. The law already gave the game to the tenant, but the landlord reserved it for himself; and now, when it was proposed that a portion of it should be given to the tenant, it was proposed to leave it to the landlord to do just as he pleased. It had been urged that if the tenant had the privilege of shooting ground game he would destroy all the sport in the country; but it was well-known, with regard to one-third of the country at least, that when the tenant farmer had the right of doing what they pleased with what they found on the land that the land was not devoid of game. Again, it had been pictured that the tenant farmers would be brought up in idleness and think of nothing but their guns and dogs. But that had certainly not been the case hitherto; and, no doubt, many hon. Members on both sides of the House could say that there were as good and industrious farmers with the right of sporting as there were without it. The evil, therefore, which had been held up to the Committee as an argument against the sub-section was clearly imaginary.

*Mr. Grantham*

MR. BIDDELL said, he thought it would be a hard thing to prohibit the farmer from shooting hares and rabbits, although he agreed it would be good policy to restrict his right to do so. He thought it would be quite sufficient to authorize the use of the gun by two persons only on each farm, and that view had been taken by a number of intelligent farmers who discussed the question in his company on the preceding day. He hoped the right hon. and learned Gentleman the Home Secretary would provide that the number of persons authorized to shoot should be limited to two.

MR. CHAPLIN said, he had been struck by the remarks of the hon. Baronet the Member for South Devon (Sir Massey Lopes); first, by his statement that the use of the gun was unnecessary for the main object of the Bill; and, secondly, when he said that if the use of the gun was conceded to the tenant it would probably destroy game preserving altogether. As he had before said, he (Mr. Chaplin) was opposed to all these petty limitations; but the present Amendment raised a very considerable question—namely, whether the Bill was intended both to protect and to confer a sporting right upon the tenant. If that were so, well and good; but then it should be openly stated. Do not let it be pretended that the Bill was for the protection of crops, when what was really intended was a transfer of the right of sporting. If the Government were sincere in not wishing to destroy sport, then he thought they ought to accept an Amendment of the proposed sub-section. He was bound to say that he could not consider that a tenant's right of sporting was an adequate reason to justify the Committee in abrogating freedom of contract. The hon. Member for Great Grimsby (Mr. Heneage) had just told the Committee that the practice of shooting on the part of the tenants had existed for years on his own estate, and had opposed that fact to the argument of his (Mr. Chaplin's) noble Friend (Viscount Newport), who said that the permission to use guns would abolish game preserving altogether. But he (Mr. Chaplin) was bound to say, from what he knew of the hon. Member's estate, that there was not a head of game upon it. The use of the gun as proposed would lead to many difficulties. For instance, the landlord

and the tenant might both be out shooting on the same day, and it might very well happen that they shot at the same hare which would be claimed by both, under circumstances in which it would puzzle the ingenuity of the right hon. and learned Gentleman the Home Secretary himself to say to whom it belonged. He thought, therefore, if the right hon. and learned Gentleman desired, as he professed, to interfere no more than was necessary with the right of sporting, he ought to accept the Amendment of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot).

SIR WILLIAM HARCOURT said, he hoped the Committee would understand upon what they were about to divide. The hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) wanted to prohibit the use of the gun to the farmer. The hon. Member for West Suffolk (Mr. Biddell) wanted the right restricted to two persons on the occupation; and the hon. Member for Mid Lincolnshire (Mr. Chaplin) had put to him a question as to the ownership of a hare that had been fired at by two persons. He really thought they were wasting time by dealing with such trifling questions. The Amendment of the hon. and gallant Member for West Sussex, which would allow the use of traps and nets, but not guns, reminded him of Lord Macaulay's description of the Puritan's objection to bear-baiting, which was founded not on the pain suffered by the bear, but on the pleasure which it gave to the beholders. He could not understand the extreme jealousy with which hon. Members opposite regarded any proposal which would enable the farmer to join in the sport of shooting. Was the use of a gun to be the privilege of only one class, and was the farmer to be debarred from the pleasure of using one? He was acquainted with but few tenant farmers in England who had not a gun, and although they might not shoot game with it they shot crows and pigeons. There was no precaution against that taken in England, as there was in Scotland. He was certain that if they prohibited the occupier of land from using a gun for the purpose of destroying ground game, it would be utterly unacceptable to the class it was intended to benefit. From the moment of his first introducing the Bill, he had said that if it was to be carried out at all,

let it be carried out fairly, and for that reason he could not accept the Amendment of the hon. and gallant Member for West Sussex.

SIR WALTER B. BARTTELOT said, he was surprised at the statement of the right hon. and learned Gentleman. He had proposed the other night that only the occupier and one person should be permitted to carry a gun, and he was prepared to accept that now. The right hon. and learned Gentleman was always trying to throw dirt on hon. Members who sat opposite him; but he could assure him that the Bill would not be carried in that way. The right hon. and learned Gentleman was not satisfied with allowing the occupier and one other person to carry guns, but would have a host of people doing so, and for that reason he should press his Amendment to a division.

LORD ELCHO said, an especial reference made to himself by the right hon. and learned Gentleman the Home Secretary, obliged him to offer an explanation with reference to the point before the Committee. His right hon. and learned Friend accused all those who wished to restrict the operation of the Bill to what they believed to be the original purpose and intention, of keeping down ground game, of using extreme rights, and being engrossed by selfishness. All he would say in reply to those observations was, that the Amendment before the Committee was the test of the honesty of the Bill. The right hon. and learned Gentleman had said that his (Lord Elcho's) county was the cause of this Bill being brought in, and he would now ask him to state upon what authority he made that statement?

MR. BRAND said, he was of opinion that a very extravagant view of the Bill was taken by some hon. Members. It was his belief that in ninety-nine cases out of a hundred an amicable arrangement would be arrived at between the landlord and tenant, and there would be sport for both. But where there was no agreement there would be no sport for either.

SIR RICHARD MUSGRAVE said, he fully endorsed the opinions expressed by the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), and was glad to hear that he was ready to accept as an Amendment that the occupier and one other person should be

allowed to shoot on the farm, instead of the original Amendment to allow any number of persons to do so. He trusted the right hon. and learned Gentleman the Home Secretary would see his way to accept that proposal. Some limitations of the number of persons allowed to shoot was certainly necessary.

MR. JAMES HOWARD said, if the farms of England were all of one size, he could understand the reasonableness of fixing the number of men allowed to carry a gun for the purpose of shooting ground game. But, taking the last suggestion that had been made upon the point, was it reasonable that a person farming, say, 2,000 acres, should be allowed to have one man only to shoot the ground game? It would be absolutely impossible that anything like the desired result could be obtained by such limited means. He maintained that to kill down the rabbits and hares upon one estate of 2,000 acres half-a-dozen men would be required at certain seasons of the year. Until all the farms of England were of a uniform size any such proposals were absurd; and he trusted the right hon. and learned Gentleman the Home Secretary would not for a moment listen to them.

SIR MICHAEL HICKS - BEACH said, he was unable, on the present occasion, to vote with hon. Gentlemen with whom he usually acted; and he, therefore, wished to explain the reasons of his decision. He desired to preserve ground game for fair purposes of sport, and he was very much inclined to agree with the hon. Member for Stroud (Mr. Brand) that the effect of the Bill would be by no means entirely to destroy the ground game throughout the country. He would rather hope that it might put down over-preservation; and that, on the other hand, where there was very little ground game now, there might be some after the passing of the Bill. The game was preserved at present, not owing to any legislation, but owing to the good feeling between landlord and tenant. Where they were not on good terms, there was usually no game on the farm; at least, that was his experience, and he had taken some little interest in the question. As a rule, landlords and were on good terms, and, therefore, there was ground game; and if this Bill passed in a fair shape he believed there would still continue to be ground

game. It had been decided that in future the tenant was to have a right which he had not hitherto had—namely, the concurrent and inalienable right to the ground game. If that was taken as granted, the question they had now to discuss was how that right was to be exercised. Well, would it not be better for the preservation of good feeling that they should not deprive the tenant of the power to exercise that right in the most agreeable way? If they were to say in an Act of Parliament that a farmer who, in the parts of England with which he was chiefly acquainted, usually had large holdings, and was often in the habit of sporting with his landlord, was not to have the right to use a gun, although he had the right to kill ground game—was not, in fact, to do that which he now did by agreement—they would do more than anything else to set the tenant against that fair preservation of ground game which they all wanted to encourage. Therefore, he should vote in support of the clause as it stood. He wished, however, to make one appeal to the right hon. and learned Gentleman the Home Secretary, and that was that he should limit the number of persons on a farm who were to be entitled to use guns. He voted in support of the proposition that the tenant and one other person should be entitled to use a gun, and that seemed to him a fair and reasonable proposition. It was sufficient for the purpose, and was reasonable, as preventing the danger of unlicensed shooting by people who had no right on the place. He hoped it would be possible for the right hon. and learned Gentleman to reconsider that subject on the Report; and if he did, all that was necessary to be done would be done in the Bill, and it would be passed in the shape to which he could entirely agree.

LORD ELOHO said, he was sorry to trouble the Committee; but he had not yet received an answer to his question. The right hon. and learned Gentleman had endeavoured to hold him up to the odium of his constituents; but as he had now represented his county for 33 years, which was more than the right hon. and learned Gentleman could say regarding his own late seat, the right hon. and learned Gentleman had better leave him to settle this little family matter with his constituents, and not interfere. But

when the right hon. and learned Gentleman, who was responsible for this very curious piece of legislation, creating all sorts of new principles, said that it was the excessive game preservation in his (Lord Elcho's) county which had rendered its introduction necessary, he thought he had a right, on the part of the proprietors of his county whom he had the honour to represent, and on the part of his intelligent constituents, the occupiers, who had apparently submitted to this state of things, to ask the right hon and learned Gentleman directly, as far as the Forms of the House would enable him—and he should use those Forms as far as it was possible to get an answer—to state on what authority he made that assertion? His objection to the Bill was that, for the first time, they took away, by Act of Parliament, the immemorial right of one class and gave it to another. He had no objection to that being done by agreement; but to do it by legislation was unprincipled and vicious. ["No, no!"] That was his opinion; and while hon. Gentlemen held theirs, they would, perhaps, allow him to hold his own. This proposition was based on the argument of humiliation. The right hon. and learned Gentleman told them the farmer would be humiliated if he could not shoot a hare or a rabbit; but would not there be left a ranking in the bosom of the farmer in a still worse form, so long as he was precluded from shooting winged game? Would there be no humiliation of the farmer, as he walked through his turnips, if he was allowed to shoot a rabbit, to be prevented from shooting partridges? Would there be no humiliation if he could shoot the creeping thing at his feet, but not the rocketing cock pheasant over his head?

SIR WILLIAM HARCOURT said, in the Report of the Committee of 1873, it was stated that the grievance of ground game was especially existent and flagrant in Scotland, and great emphasis was laid upon that. It was quite true that it was the over-preservation of game, especially in the Lowland districts of Scotland, which had brought this matter to a point; while, according to his inquiries and the information which he naturally possessed, as being in charge of the Bill, the most gratitude for it was felt in the Lothians, and he

believed he was correct in saying that Haddingtonshire was compromised in that part. He had not been so much in Haddingtonshire as the noble Lord; but he had been there a great deal, and he did believe that this state of things existed there. He had been again asked to limit the right of shooting to one or two persons besides the occupier; but he could not do that, because the Committee had already decided another way. How could he show that they agreed to what the Committee said it would not agree to? Their opinion had been asked upon that point, and by a majority of three to one it had been decided. Therefore, they were wasting their time in discussing the matter any further.

MR. HICKS said, the right hon. and learned Gentleman had asked them, if they passed the Bill at all, to pass it fairly and generously. In that view he entirely concurred, and it was with the view of acting in that spirit that he ventured to suggest to him that he should accept the Amendment of the hon. and gallant Member (Sir Walter B. Barttelot), and should give those who had the right of shooting partridges the privilege of exercising it without being interfered with by other people. He must maintain that it was only fair to those who had partridge shooting that their sports should not be interfered by persons using guns at the same time for another purpose. If the right hon. and learned Gentleman would give the owners of partridge shooting three months for the uninterrupted enjoyment of that sport, he should be, for one, ready to give the occupiers the fullest permission to kill ground game as they liked afterwards.

LORD ELCHO said, he was not at all satisfied with the answer of the right hon. and learned Gentleman the Home Secretary. The right hon. and learned Gentleman said that the state of things in his (Lord Elcho's) county was the cause of the introduction of the Bill. [SIR WILLIAM HARCOURT: One of the counties.] No; the right hon. and learned Gentleman had said that the state of things in his (Lord Elcho's) county was the cause of the introduction of the Bill.

MR. ILLINGWORTH: I rise to Order, Sir. I wish to submit to you, whether the noble Lord the Member for Haddingtonshire (Lord Elcho) is in Order in

discussing what passed on the second reading? Is he addressing himself sufficiently to the Question before the Committee?

THE CHAIRMAN: I think the noble Lord is speaking to the Question before the Committee, because the remarks to which he takes objection were uttered in Committee.

LORD ELCHO said, the hon. Gentleman (Mr. Illingworth) who rose to Order, and was himself so disorderly, could not have been in the House when the right hon. and learned Gentleman the Home Secretary made his speech. If the hon. Gentleman had heard that speech, he had no excuse for his interruption at the present moment. [Mr. ILLINGWORTH: I was not in the House.] Then he (Lord Elcho) might explain to the hon. Gentleman that the right hon. and learned Gentleman said that it was in consequence of the over-preservation in the county which he had the honour to represent—

SIR WILLIAM HARCOURT: I rise to Order. It is usual when a Member of this House has said that he has not used the words attributed to him to accept that statement. I was speaking of all Scotland, and I said the county represented by the noble Lord was one of those in which over-preservation occurred. I expect that that statement of mine should be accepted.

LORD ELCHO said, he was very glad to accept the statement as it was now made by the right hon. and learned Gentleman, though he still denied the over-preservation.

MR. GREGORY said, he could not help feeling that it was a hardship to exclude an occupier from using a gun on his farm; but, at the same time, the unlimited use of guns was very objectionable. When they were discussing gun licences, that seemed to be the opinion of the Committee, and those licences were introduced in order to prevent the indiscriminate use of guns up and down the country, which, especially at holiday time, it had been shown had caused many accidents and a considerable loss of life. For his part, he (Mr. Gregory) thought it was a fair proposition that the occupier alone should be entitled to use a gun. The right hon. and learned Gentleman said that that point had already been decided, because it had been carried by a large majority that any

number of persons might be appointed by the occupier to destroy hares and rabbits on a farm. But, for his part, he thought it would have been better if they could have decided, in the first instance, the times of year during which the right of killing hares and rabbits was to be exercised. If they had done that, it might have saved any discussion on the present question.

MR. CHAPLIN said, he merely rose to repudiate the construction which had been placed on the speeches delivered on that side of the House. He supported the Amendment, because he believed that the Bill was intended solely to protect crops from the ravages of game, and because he thought the right hon. and learned Gentleman was sincere in his profession, that his object merely was to meet the grievances of the tenant farmers throughout the country. But now it turned out that the Bill was not merely intended for the protection of crops, but wanted to give sporting rights to the tenants. But why should the right hon. and learned Gentleman stop when he did if there was any value in what he had said about the humiliation of tenants? Why, if he was to have sporting rights in regard to ground game, should he not be allowed to shoot the winged game as well? [*Cries of "Move!"*] Well, as he was opposed to the whole Bill, that Motion would come better from hon. Gentlemen opposite; but he did maintain that if there was one particle of sincerity in the Committee they ought not to stop at ground game, but they ought to extend the Bill to all; and he was not sure whether, under the circumstances, if that were proposed, he should not have supported it.

MR. CARPENTER-GARNIER said, he did not regard the question so much of whether they were starting afresh, but as a question of abrogating a grievance already made between the farmers and landlords. A farmer bargaining for a farm went through the various points in his lease, and one of those was, that he agreed to give up the right to sport. He, probably, would not have got the farm except on that condition. Now, it was proposed to override that agreement, and to say that there was such a public necessity that the tenant farmer should have the right of shooting ground game that the agreement he had

*Mr. Illingworth*

voluntarily made should be overridden. [*Cries of "No, no!"*] He ventured to submit that the Bill would have that effect. It was proved, besides, that the game could be kept down without this right of sporting; and why should they give the tenant by law that which he had already agreed to give up to the landlord?

SIR HENRY TYLER said, he should vote for the Amendment, not because he agreed with the actual words of it, but because he thought hon. Members on that side of the House were forced to vote for it by the refusal of the Government to give way on either of two points. The right hon. and learned Gentleman the Home Secretary would neither limit the number of guns nor limit the months during which these guns were to be used. It was because he would not give way on either of those points that he (Sir Henry Tyler) felt himself forced to vote for the Amendment.

Question put.

The Committee *divided*:—Ayes 112; Noes 33: Majority 79.—(Div. List, No. 123.)

CAPTAIN AYLMER said, the right hon. and learned Gentleman the Home Secretary was now absent, and there was nobody on the Treasury Bench to whom he could appeal to accept his Amendment. He would, therefore, move it as it stood in his name.

Amendment proposed to the proposed Amendment, in line 3, after the word "sunset" to insert the words "between the first day of July and the fifteenth day of February."—(*Captain Aylmer.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 23; Noes 110: Majority 87.—(Div. List, No. 124.)

MR. ONSLOW said, in order to put himself in Order he would conclude with a Motion. Since he had been in the House, he had never known such rapid legislation as that they had just witnessed. The Chairman of Committees left the House a minute or two after 9, and the Members of the House went as usual to the accustomed place to get a little refreshment. The Chairman of Committees returned; but the right hon.

and learned Gentleman the Home Secretary was not in his place when the last Amendment came on. The Chairman of Committees, as a rule, left the House for 20 minutes; that was the time which the Predecessors of the right hon. Gentleman, to his (Mr. Onslow's) certain knowledge, used to take in former years. Many hon. Members took a great interest in that Bill; and he should like to know how it was that the right hon. and learned Gentleman the Home Secretary was not in his place to answer the hon. and gallant Gentleman behind him (Captain Aylmer)? He begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Onslow.*)

THE CHAIRMAN: As to the question about my coming back, unless I am especially requested to remain longer, I rarely take more than 10 minutes. To-day I took 12, and after I had come back I stood behind the Speaker's Chair for a minute or two for hon. Members to come in, as the House was not very full.

SIR WILLIAM HARCOURT said, he did not know what explanation was wanted from him; but if the hon. Gentleman (Mr. Onslow) wanted to know where he was, he had only to say that after having been in the House five hours and a-half he had gone to have a plate of soup. His impression was, that during his absence an attempt had been made to snatch a victory.

Motion, by leave, *withdrawn*.

CAPTAIN FELLOWES said, he would now move his Amendment, in the hope that the right hon. and learned Gentleman the Home Secretary would vary the monotonous order of things by accepting it. At present, the hon. and learned Member for Bridport (Mr. Warton) was the only Member who had been lucky enough to induce him to accept his proposal. When the Bill was introduced, the right hon. and learned Gentleman said he wished Amendments should be moved, and he would be quite willing to accept them. But he had not shown much of that willingness at present. The occupier of land was to be allowed to trap, to ferret, to net, and to use dogs; and he appealed to the



right hon. and learned Gentleman whether that was not enough to enable him to keep the hares and rabbits under control? The right hon. and learned Gentleman had told them that he did not wish in any way to interfere with sport; but he must be aware that snares above ground would catch foxes, pheasants, and partridges. Those were objects of legitimate sport. He did not care a bit what happened to hares and rabbits, and he believed most of the hon. Members in that House did not care either. But most of them did care very much for sport; and he was sure that the occupiers of land, with all the facilities already granted to them, would not grudge in the least allowing this one item of snares to be erased from the Bill. The right hon. and learned Gentleman himself had said that he thought traps above ground were cruel things, and that he hated them, and he looked upon snares as the most vicious kind of trap. He begged to move his Amendment.

Amendment proposed, in sub-section 3, line 5, after "above ground" to insert "or snares."—(*Captain Fellowes*.)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT said, everyone knew that the best way of killing rabbits and hares was by snares properly set. It seemed to be the object of hon. Members opposite to deprive the farmers of every possible means of taking ground game. He had already introduced a limitation into the clause with regard to the use of spring-traps above ground; and, therefore, he could not consent to the proposal of the hon. and gallant Gentleman.

Question put, and *negatived*.

SIR MICHAEL HICKS-BEACH said, he ventured to propose an Amendment to the sub-section now before the Committee, with the object of preventing the use of poison for the purpose of killing ground game. He did not wish to imply that the occupiers would be more likely than anybody else to use poison; but he thought great danger did very frequently arise, by poison being set for animals, which, being killed, were afterwards picked up and eaten by human beings. He had known that to have occurred

*Captain Fellowes*

with wood-pigeons, and it might very possibly happen with rabbits. He held that it ought to be illegal for anybody to put down poison for such purposes as that, and he would gladly support any proposal of the kind applying to all classes of persons. He begged to move the insertion of the words "or poison" after the word "ground."

Amendment proposed, in line 5, after the word "ground," to insert the words "or poison."—(*Sir Michael Hicks-Beach*.)

Question proposed, "that those words be there inserted."

SIR WILLIAM HARCOURT said, he hoped his right hon. Friend would not insist upon inserting these words at that moment. His (Sir William Harcourt's) impression was, that the use of poison was already prohibited by law; but if not, the matter should be dealt with on Report.

Amendment, by leave, *withdrawn*.

MR. CHAPLIN, said, he wished to represent to the right hon. and learned Gentleman that if the right of shooting were given to the farmer, he hoped, before the Bill passed through Committee, or on Report, he would take some steps to enable the farmer to shoot, if necessary, or at any time before sunrise or after sunset. He would point out to the Committee that it was just after sunset that the shooting would be of any use at all. If the right was to be given at all, it was desirable that it should be given without any limitation.

SIR WILLIAM HARCOURT said, he did not think it desirable that people should go about with guns at night; because, at that time, it was not possible to ascertain whether they were properly occupied. He thought the hours named in the sub-section, before sunrise and after sunset, was quite sufficient for all purposes.

MR. MURRAY said, it was the practice in some towns for the game-dealers to make an offer of so much a year for the right of killing ground game on farms. Now, it might happen that the tenant, having an offer from a respectable dealer, might get another offer at an advance of £10 or £20 a-year from a person not so respectable, whose object was to recoup himself by shooting the pheas-

sants and partridges. Having made an agreement with a person of this kind, he was sure that the farmer would be the first to regret it. But how was that agreement to be revoked? To meet this case, he proposed to make the authority to shoot ground game determinable at a fortnight's notice.

SIR WILLIAM HARCOURT said, it was not necessary that there should be a fortnight's notice. A man acting in the way described could be turned out at a moment's notice. The law of the country was that you could not give an irrevocable right as to land to another, except by deed.

Amendment proposed,

After sub-section (e) insert (f), "Every authority to kill ground game so given by such occupier shall be determinable by him at a fortnight's notice."—(*Mr. Murray.*)

SIR WILLIAM HARCOURT said, he hoped the hon. Member would not divide on that Amendment. The Amendment was not proposed to be inserted in its proper place—it ought to come at the end of Clause 1.

MR. GIBSON said, he also trusted his hon. Friend would not divide the Committee on that Amendment. At the same time, the point raised was of importance; and he should be glad if the right hon. and learned Gentleman would deal with it on Report. The object of the Amendment was to enable a tenant having given authority to kill ground game to an improper person, to determine the employment without being liable for damages.

MR. BARING said, the use of the Amendment would be seen in cases where the occupier, as was the practice in some parts of the Kingdom, though not in England, gave authority to some outsider, a dealer in game, for instance, to kill ground game on his tenancy. Such licences were usually for one year. The matter was worth consideration by the right hon. and learned Gentleman, and he trusted he would be able to deal with it on Report.

Amendment, by leave, *withdrawn.*

Amendment proposed,

To add at the end of the last Amendment the words "(4) In the case of moorlands and uninclosed lands (not being arable lands) the occupier and the persons authorised by him shall exercise the rights confined by this section only from the 11th day of December until the 31st

day of March in each year, both inclusive."—(*Sir William Harcourt.*)

Question proposed, "That those words be there added."

SIR WALTER B. BARTTELOT said, he was never more surprised than when he saw this sub-section on the Paper. When his right hon. and learned Friend introduced the Bill, and even on the second reading, he turned to hon. Gentlemen behind him, and warned them that he would consent to no Amendments which struck at the principle of the Bill, which principle was to apply to the whole of the United Kingdom without any exception whatsoever. But he (Sir Walter B. Barttelot) had been informed that the right hon. and learned Gentleman had learned that there would be the greatest difficulty in making progress with the Bill, unless he conciliated those hon. Gentlemen who had moorlands in Scotland and in the North of England, who declared that if the Bill went on in the shape in which it then was they would do everything they could to prevent its passing. He (Sir Walter B. Barttelot) might be in error; but he believed it was to meet the views of these large proprietors that the right hon. and learned Gentleman had introduced this sub-section. Only a night or two ago, when the question was that of killing hares and rabbits over these lands in Scotland, he said it was impossible they could be kept down unless there was a large number of people employed to keep them down; but then he went on to say, that which he did not admit to be in this Bill, the sporting rights were to be considered. He said, in effect—"I do not care a farthing for you small people down in the South, with your pheasants and partridges; but I like grouse, and, therefore, I shall preserve them as much as possible." It was a pity the right hon. and learned Gentleman said that grouse should be kept quiet in the breeding season. If that were so, why should not pheasants and partridges also be kept quiet? The right hon. and learned Gentleman said grouse shooting ended on the 12th December, and there would be plenty of time to kill down hares and rabbits between that date and the 31st March. Well, if that was time enough on the large moorlands of Scotland, in which there was a great area of arable land included, why was it not time

enough in England? The right hon. and learned Gentleman had admitted that there were, after all, some good fellows amongst the English landlords; and now he was treating them differently to those in Scotland, when, on all good estates in England, arrangements had been made in accordance with the spirit of this very clause, that the tenants should have power, during a certain time of the year, to kill hares and rabbits, and the sporting right was in no way interfered with. Now, the right hon. and learned Gentleman was going to interfere with sporting rights; but not with those of the large proprietors to whom he (Sir Walter B. Barttelot) had referred. He called the attention of hon. Members below the Gangway to the fact that in passing this sub-section they would do an illegitimate act, through the pressure which had been brought to bear upon the right hon. and learned Gentleman the Home Secretary. He simply asked that the time named in the sub-section should be extended to the whole country, which would afford ample time for the protection of the growing crops.

Amendment proposed to the said proposed Amendment, in line 1, to leave out from "in" to "lands," in line 2, inclusive.—(*Sir Walter B. Barttelot.*)

SIR WILLIAM HARCOURT said, he thought his hon. and gallant Friend (Sir Walter B. Barttelot) had entirely misunderstood the meaning of this sub-section. He must know there was a great difference between the case of moorlands and the case of cultivated lands. The evil against which the Bill was directed existed in a greater degree in reference to cultivated lands than it did in reference to uncultivated lands. That would be obvious to the intelligence of anyone; and, therefore, the sub-section was consistent with the principle which he had over and over again stated—namely, that where he could accomplish the object of protecting crops without injuring sport he would do so. Now, on the moors, they could protect sheep-grazing in a shorter period, and by a less stringent method, than in the case of cultivated land. On all moorland the only question was, what protection was essential to preserve sheep-grazing for the farmers. He had been willing to take the opinion of the farmers themselves on that question.

*Sir Walter B. Barttelot*

The hon. and gallant Member had suggested that he had been put under pressure; but it would be remembered that on the night of the introduction of the Bill he said there might be modifications made in the case of moorlands. Two proposals had been made to meet that case. The first, made at a meeting of farmers at Inverness, was that the time for killing hares and rabbits should be six months without the gun. The second was, that the period should be three and a-half months with the gun. Therefore, on further consideration, and consulting, as far as he could, the opinion of English and Irish, as well as Scottish farmers—for there were moorlands in England and Ireland—he found that the time given between the termination of grouse shooting and the nesting of the birds was regarded as being sufficient to enable sheep-farmers to protect their crops. But the effect of the proposed Amendment of the hon. and gallant Member for West Sussex would be, that, on cultivated lands, nobody could touch hares and rabbits from March to December. That, in his opinion, was a monstrously unreasonable proposition. They would not find a farmer in England who would not insist, in case he was to have the right of killing at all, on having that right during some of the months which the hon. and gallant Baronet proposed to exclude. The Amendment suggested by the hon. and gallant Member would render the Bill totally valueless, and it would be obvious that he could not accept it.

MR. KNIGHT said, he was quite certain, from having fought two contested elections, and having heard all that the farmers had to say about game, that the three and a-half months proposed by the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) would be quite sufficient to clear the farms of ground game, if the farmers were so minded. He had himself a large extent of land let on lease, and in none of the leases were rabbits reserved, although game was so. He had had occasion to clear some districts of rabbits; and he knew very well that one good trapper in six weeks could clear 1,000 acres with the greatest ease. If anybody tried to do the same thing with a gun, without the assistance of traps, he would most certainly fail. Half-a-dozen guns would not do as much as

one good trapper who understood his business. Such a man with 100 traps would clear a large district in a very short space of time; while with snares, he (Mr. Knight) believed it could be done more rapidly. But, under the Bill, it would be mostly labouring men who would be set to kill rabbits, and they were to be allowed to use guns. The result would be that after they had failed to clear the land poachers would certainly have to be employed for the purpose. The space of time proposed in the Amendment of the hon. and gallant Member was enough to keep down the ground game, and that space of time was now usually given in most well-managed estates. Much of what it was proposed to offer the tenants he had never heard them ask for. What they wanted was a certain number of months in order to clear their estates of ground game, and compensation for damages done by game. He (Mr. Knight) had had the honour to lay a Bill upon the Table to effect those objects, and he believed it would have worked most satisfactorily. It was the same system which had already been introduced into one part of the Kingdom by Mr. M'Lagan's Act. He (Mr. Knight) had explained that Act to the farmers during his canvass, and they had expressed themselves thoroughly satisfied with its provisions. The Government Bill offered them a great many things that they had never asked for, and which many of them would not accept when they were given; the consequence being that, in many cases, things would remain much as they were. He thought that the Government had been accusing landlords most unfairly, and, further, that they were trying by that Bill to make political capital of the Game Question. That question was one which he wished to see settled, and he had made representations to the late Prime Minister in 1874 to that effect. He was quite sure that the Government would not gain the farmers' votes by any such means as were then being adopted. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) had thrown the Game Question in the teeth of the landlords; but he seemed to forget that the Liberals looked forward to the destruction of the whole political influence of the farming class, if the labourers were admitted to

the franchise. The farmers well knew that such was the intention of the present Government, and their votes could not be bought by the bribe of a few rabbits. As he had previously stated, on all well-managed farms, they then had two or three months in order to clear the ground game; and if that was secured to them in all cases he was certain they would be perfectly contented.

Mr. WILBRAHAM EGERTON said, that he had an Amendment on the Paper which he should not move. He wished to say that rabbits and hares could be kept down in the two months of spring very well. If the right hon. and learned Gentleman's object in that Bill was to turn all the farmers into sportsmen, no doubt, they should have the sporting all the year round. But if they merely wanted to protect their crops, two months was sufficient for anybody for that purpose.

Mr. J. W. BAROLAY said, he could not quite agree with what had just fallen from the hon. Member opposite (Mr. Wilbraham Egerton). He believed that if a limitation were inserted, such as that of three and a-half months, the effect would most probably be that ground game would be exterminated. The Bill ought certainly to give the right during the whole year. In that case, a farmer would, he believed, exercise his discretion, and allow a number of hares and rabbits to exist; but if they restricted him to two or three months, he would probably exterminate them, and so make sure that he would not have any more trouble with them during the rest of the year.

COLONEL RUGGLES-BRISE said, he would maintain that the proposition of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot) was a reasonable one. The other day he (Colonel Ruggles-Brise) proposed an Amendment to the effect that the time for hares should be limited to the months of February, March, and April, and he then stated that he should not object to rabbits being taken all the year round. He still maintained that his proposition was a reasonable one; and, therefore, he should back up the Amendment, inasmuch as it went in the same direction. He did not wish to have a limit, except in the case of hares. If the object of the Bill was really to protect the crops of farmers, and not to make political

capital, then he thought that surely the right hon. and learned Gentleman might fairly accept the suggestion, as far as hares were concerned.

SIR WILLIAM HARCOURT said, he wished to call attention to the fact that the hon. and gallant Member (Colonel Ruggles-Brise) was in favour of rabbits being taken and killed all the year round; and yet he was willing to vote for an Amendment which would give a close time to rabbits of eight and a-half months during the year. The hon. and gallant Member wished to make that an effectual Bill, and yet was willing to vote for that Amendment, after what he had said with reference to rabbits. He had heard with surprise the statement of the hon. Member for West Cheshire (Mr. Wilbraham Egerton) that two months was sufficient to clear the estates of ground game. He knew instances where they were striving for 12 months in the year and could not keep them down. The close time, which was the subject of that discussion, was, he ventured to say, wholly inconsistent with the object of the Bill.

MR. CHAPLIN objected to the remark which had just fallen from the right hon. and learned Gentleman. Undoubtedly, it was the rabbits which caused mischief to the crops; but he objected on different grounds. They must remember that they were giving sporting rights to the tenant as well as protection to his crops; and he did not see why they should limit the sporting rights on uninclosed land more than on arable land. The right hon. and learned Gentleman said that he had considered the question of sheep-grazing, and had proposed an Amendment, to give adequate protection in that branch of farming; but sheep grazing was not confined to England. The right hon. and learned Gentleman should know that the greater part was conducted in Scotland. The right hon. and learned Gentleman had been at great pains the other night to tell them of the enormous mischief done by blue hares to sheep-grazing. So far as he was acquainted with the subject, he (Mr. Chaplin) believed that that enormous mischief was mythical. He was, however, prepared to accept the superior knowledge and intelligence of the right hon. and learned Gentleman; but he wished to point out to him the effect of the restriction in the case of

Scotland to a period between the 11th December and the 31st March. What was the condition of Scotland during that time? He must know that the Highlands were covered with many feet of snow. How was it possible to allow of such a close time as that proposed? The hares were there in hundreds and thousands, and during those months they travelled many miles for their food, which was only to be obtained on the arable land; but they were not allowed to kill them there except for the first hour after sunset. [Sir WILLIAM HARCOURT said, they might be snared.] If they might set snares they could not be shot; and how were they to be snared on tens of thousands of acres covered with snow? The effect of that part of the Amendment would be to defeat the right hon. and learned Gentleman's own object. He would point out to his hon. and gallant Friend that the owners of sporting rights were to be treated in a different manner than those of England. He did not know why there should be that difference, and on that account he hoped the hon. and gallant Member would divide the Committee upon his Amendment.

EARL PERCY said, he was afraid that he could not support the Amendment of his hon. and gallant Friend (Sir Walter B. Barttelot), because he believed that restriction as to killing hares and rabbits would operate mischievously. He quite believed that hares and rabbits could be kept down within a limited period; and with regard to the statement of the right hon. and learned Gentleman as to working hard for 12 months to effect that object, he could only say that there must be very bad management. But that was not the question. It was, whether they could lay down a hard-and-fast rule in that matter which would suit all cases. The effect of the Amendment would be to impose restrictions on a farmer, except during the nesting season, therefore there was enormous difficulty, besides that of interfering with sport. His argument against the Amendment was that while, as the Bill stood then, the farmer in the vast majority of cases would exercise his right during those seasons which were most convenient to him and the landlord, if a restriction such as that proposed were inserted, in order to limit the power of the tenant to certain specified months, which might be inconvenient to both parties, there would be

*Colonel Ruggles-Brise*

no other course open to the farmer than to exercise his right, as pointed out by the hon. Gentleman opposite (Mr. J. W. Barclay), most strenuously. Therefore, he trusted his hon. and gallant Friend would not press the Amendment; for, if he did, he (Earl Percy) should feel bound to oppose it. The right hon. Gentleman the Member for North Hants (Mr. Sclater-Booth) had a similar Amendment on the Paper, which was much more feasible, where the actual time of restriction was not proposed to be inserted in the Bill.

MR. GREGORY said, that there could be no doubt that there might fairly be a suspension of the power of killing game during a certain period of the year; but he was afraid that if the period mentioned in the Amendment were adhered to it would give dissatisfaction in many ways. He believed that what his hon. and gallant Friend (Sir Walter B. Barttelot) wished to bring about would be better done by another Amendment which stood on the Paper in the name of his right hon. Friend (Mr. Sclater-Booth), by which a certain period was to be reserved by special agreement, but not actually stating what those months should be. That Amendment he (Mr. Gregory) was willing to support; but he hoped his hon. and gallant Friend would not go to a division upon the present one.

MR. RODWELL said, that he believed his hon. and gallant Friend (Sir Walter B. Barttelot) was under a misapprehension with regard to his Amendment. He appealed to the Government to adhere to their proposed concession, for they had not shown themselves too liberal in what had been conceded to the landowners hitherto. It appeared that a great deal of the best shooting would be left undisturbed for eight months in the year. He (Mr. Rodwell) could not help thinking that his hon. and gallant Friend was under the misapprehension that this clause was confined to grouse moors, and, therefore, trusted that he would not divide the Committee upon it. He himself was not so much interested in grouse as in partridges; and he believed that if the proposed alteration were made it would give rise to much dissatisfaction. It had been said that hares and rabbits might be kept down in three months. He would defy anyone, unless he was an expe-

rienced trapper, to keep them down in any such period; it was perfectly impossible where they abounded. Therefore, he hoped that the restriction would not be extended to arable land, because he was sure, in that case, the Bill would by no means give satisfaction. It was said to be passed "in the interests of good husbandry, and for the better security of capital, &c., in the cultivation of the soil;" and, keeping that object in view, he did not see how it would be furthered by the acceptance of the present Amendment. He, therefore, hoped it would not be pressed.

MR. HICKS said, that exception had been taken to the Amendment of the hon. and gallant Member (Sir Walter B. Barttelot), because it appeared to limit the time during which occupiers were privileged to kill hares and rabbits to three months. They should, however, bear in mind that that limitation did not proceed from the hon. and gallant Member, but from the right hon. and learned Gentleman the Home Secretary. All that was asked was to extend the limitation that the right hon. and learned Gentleman had imposed on Scotland and the North of England to the other parts of the Kingdom. He did not himself wish to see the time limited to four months; he had never advocated that, and should not do so then; but he did say that, in common justice to all parties, the law should be applicable to all the United Kingdom. If the right hon. and learned Gentleman insisted upon that limitation to apply only to Scotland and the North—

SIR WILLIAM HARCOURT said, perhaps he might be allowed to explain. The hon. Member (Mr. Hicks) was mistaken in supposing that there was any limitation to a part of the United Kingdom. The sub-section referred to moorlands, and therefore to Dartmoor as well as to Scotland. The distinction was not between one part of the Kingdom and another, but one kind of land and another. There was no geographical distinction whatever.

MR. HICKS said, that there might be no geographical distinction, but there was a sporting one. Grouse were on one side and partridges on the other. The same law ought to be applied equally to both. It was not a new subject, that of the over-preservation of game. If they looked at the Report of the evidence

before the Committee of 1872-3, they would find that it was not only in Scotland, but in all places in the neighbourhood of moors, that the farmers suffered from damage caused by the game; and yet, by that sub-section, he was to be debarred from killing that game, except within a very limited period. For his own part, he (Mr. Hicks) did not think that four months was sufficient to keep down hares and rabbits; but, at the same time, he thought that the Amendment of the right hon. Gentleman the Member for North Hants (Mr. Selater-Booth) was the one which tended in the right direction, and he thought that might be well agreed to without a division. If no Amendment were adopted, he must say that it appeared to him that they were being unfairly treated in regard to that matter.

MR. BIDDELL said, wherever there were uninclosed grounds, like Suffolk Heath, bounded by arable lands, there were sure to be a lot of rabbits; and if the tenants were not to be allowed to kill them between March 11 and December 12 they might lose their best time for selling rabbits. He totally objected to the clause. A great injury might be caused if rabbits were to be allowed to breed in this close time.

*Amendment negatived.*

MR. J. W. BARCLAY said, he wanted to propose to insert the word "waste" after the word "moorlands." He did not know that there was any particularly special meaning attached to the word "waste;" but he thought it might be inserted with advantage.

Amendment proposed to said proposed Amendment, in line 1, after the word "moorlands" to insert the word "waste."—(Mr. J. W. Barclay.)

SIR WILLIAM HARCOURT said, that the Amendment would be objectionable, because there was a legal meaning attaching to the word "waste;" as in the case, for instance, of the words "waste of the manor." He did not see that they would further enlarge the sub-section by adding the word, and it might be supposed that a legal meaning was attached to the word.

*Amendment, by leave, withdrawn.*

DR. FARQUHARSON said, he had some hesitation in adding to the enor-

*Mr. Hicks*

mous number of failures; but the question he raised was of some importance; and a real grievance might be obviated if the right hon. and learned Gentleman would adopt it. It was well known to the Committee that some alarm was felt among the Highland proprietors that this unrestricted permission to shoot would damage their sporting rights. The sporting value of the moor in Scotland was much greater than its agricultural value; and the consequence was that many gentlemen had taken sheep off the moors, and so brought about the evils so much regretted in the North in regard to deer forests. But on this question of damage by ground game on moorlands the evidence was very conflicting. In Forfarshire there was a grievance; while in the North it was very small indeed, for blue hares, if not extinct, were very rare indeed, and rabbits were scarcely ever seen on moorlands at all. He thought the right hon. and learned Gentleman, therefore, would have been quite justified if he had excepted moorlands altogether. However, he had preferred the alternative contained in the Bill; but it was well known to all proprietors of lands in the North that on the small farms there, there were very often small patches of rough moorland covered with wood and brush, and if a farmer was not allowed to shoot through them at all times he would be utterly unable to keep down the rabbits. He thought no harm could be done by his Amendment, and a grievance, which he knew existed, would be met.

Amendment proposed, to the said proposed Amendment, in line 1, after the words "uninclosed lands" to insert the words "exceeding fifty acres in extent."—(Dr. Farquharson.)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT hoped the Amendment would not be pressed. He could not see what difference there was between a moor of 50 acres and a bigger one, that the lesser should be excluded from the operation of the Bill. His hon. Friend said that these patches of moor were the habitation of rabbits; but that was true of every moor that adjoined other lands. The Amendment did not rest upon any principle, and it was entirely out of the feeling of the

Bill to attempt to meet all cases by laying down such a rule.

MR. J. W. BARCLAY said, he did not think the right hon. and learned Gentleman the Home Secretary quite understood the effect of the Amendment. It was not proposed that 50 acres of an extensive moorland should be exempt from the sub-section; but that if there was a small bit of waste land within the farm, in the occupation of the farmer, that the farmer should have the same right to deal with that as if it were arable. It was not intended to apply to moors or waste lands of more than 50 acres, and it surely could not be said that a small bit of waste land was a moor. He did not think that the Amendment was at all inconsistent with the Bill.

MR. MELLOR sincerely hoped the Amendment would be negatived. In the West of England, the moors lay in patches of 20 or 30 acres, and they were worth very little for pasture; but were chiefly valuable for the rabbits they produced. He saw no reason why the lands of very little value for pasture should be handed over to the occupier in that way to make a profit by the rabbits.

MR. CHAPLIN said, he should certainly support the Amendment if the hon. Gentleman (Dr. Farquharson) went to a division. When there were uninclosed patches of 50 acres on a farm, the farmer should certainly be able to kill rabbits all the year round; whereas, if the Amendment were not accepted, he would only be able to kill them in the limited period mentioned in the sub-section.

MR. COURTNEY said, he should also support the Amendment. In his own county there were often small patches of moorland held with the farm; and if the farmer had not the same right over them that he had over the other land, the mischief which the Bill was intended to check would remain as it did before. He hoped the right hon. and learned Gentleman would see that this matter was worthy his consideration.

COLONEL RUGGLES-BRISE said, he should also support the Amendment. Surely, where there was a farm of 500 acres, it would be absurd to give the farmer the right to kill rabbits on the 450 acres of land, and not to kill them on the remaining 50 acres of waste, ex-

cept for a certain period. It was making a very extraordinary difference.

MR. DICK-PEDDIE considered that the claims of the farmers in the North of Scotland to that exception was even stronger than had been stated. Nearly two-thirds of the arable farms in those parts of the country had, almost in their very midst, those patches of moorland. In the part of the Highlands in which he resided, there was hardly a farm which had not such patches connected with it. If the farmer was to be entitled to kill hares and rabbits on all the farm, except that particular patch, he would suffer the very damage which the Bill intended to protect him from. It was necessary for his protection, therefore, that he should have the right to kill ground game on those patches. He would suggest, however, that the extent of land over which it was proposed to give him this right was excessive, and that it would serve the end aimed at if the limit was fixed at 25 or 30 acres.

SIR WILLIAM HARCOURT said, if hon. Gentlemen were so exceedingly anxious to extend the operation of the Bill, he would not, for one, deny them. When the hon. Member for Mid Lincolnshire (Mr. Chaplin), and the hon. and gallant Member for East Essex (Colonel Ruggles-Brise), told them that they desired that Amendment, he (Sir William Harcourt) could not refuse them, although he did not think they quite understood that its effect was to destroy one of the limitations of the Bill. What he desired to do was to preserve for his hon. Friends the shooting on rough ground, which, for his part, he thought was worth all the battues in the world. If he accepted the Amendment, it would remove the protection of the rough shooting; but he could not stand for a minute against the hon. Member for Mid Lincolnshire, the hon. and gallant Member for East Essex, and the hon. Member for Liskeard (Mr. Courtney). He must, therefore, yield.

MR. A. J. BALFOUR said, he thought the right hon. and learned Gentleman had shown a peculiar desire to make concessions in this matter. He might suggest, however, that the Amendment might be limited to rough lands inclosed in the area of the farm, or surrounded by arable land.

SIR WALTER B. BARTTELOT said, he would venture to hope that his right



hon. and learned Friend would not accept the Amendment when he came to consider the matter. [*Laughter.*] He noticed the right hon. and learned Gentleman was laughing very loudly; but after he had stated distinctly that he could not omit these lines from his Bill, he now stated that he was going to do it, because of a combination of certain hon. Members. He must also know perfectly well that was a curious doctrine for a Minister to lay down that many disputes would arise, if such an Amendment as that were passed. He hoped the right hon. and learned Gentleman would be straightforward, and do that which he said he intended to do by his sub-section. The Amendment proposed was certainly a mischievous one.

MR. CHAPLIN said, his right hon. and learned Friend now talked about sport; and in order to preserve sport he had given a general right of shooting to the occupier and everybody else. He therefore did not attach much value to his wish for sport. With regard to the combination that the right hon. and learned Gentleman had spoken of, he (Mr. Chaplin) had opposed the Bill all through, and if he could devise a mortal blow at it he would certainly deliver it. But what he had said he should continue to say—"Do not let us hamper the tenants in every direction with petty limitations." It was because he was opposed to these limitations that he had supported this Amendment.

Question put.

The Committee divided:—Ayes 146; Noes 78: Majority 68.—(Div. List, No. 125.)

MR. SCLATER-BOOTH, in moving as an Amendment to Sir William Harcourt's Amendment to Clause 1, sub-section (4) at end, add—

"And in all other cases, notwithstanding anything in this Act contained, the periods, not being less than four months of the year during which, and the instruments by means of which, such right shall be exercised, may be the subject of special agreement between the occupier of the land and the owner thereof,"

said, the sub-section which had been proposed led naturally to the Amendment which he now moved; and he hoped he should not be told that his Amendment was aimed at the Preamble of the Bill, because his honest wish and

desire had been to frame an Amendment of the law which should be the means of avoiding much of the heartburning and of the clashing of interests which were set up by the Bill as originally drawn. As he understood the Bill, his proposal was consistent with its spirit, and would, therefore, he hoped, be accepted by the Government. It was admitted that some further protection should be given to tenants against the ravages of ground game than that which was afforded by the ordinary contracts between themselves and their landlords; but, at the same time, he wished the Committee to consider whether it was not possible, in perfect consistency with the principle on which the Bill was based, to introduce freedom of contract, so far as game was concerned, for limited periods. If his Amendment was adopted, the state of things which would universally obtain would be that already in existence on most of the large and well-managed estates in the South of England; and especially on one with which he was most familiar. The custom to which he referred was that under which, by written agreements with their landlords, the tenants had the right, during certain periods of the year, and under certain restrictions, to destroy ground game on their holdings. He was under the impression that he had guarded against any objection which the right hon. and learned Gentleman the Home Secretary might be disposed to make to his proposal, by inserting in his Amendment the period of four months, so as to guard against the making of illusory contracts between overbearing landlords and subservient tenants. There were some hon. Gentlemen opposite who seemed to think that the proposal of four months, as a minimum period, was too short, and that it ought to be extended to six months; but he had framed his proposal on the basis of a desire to put landlords and tenants upon terms of equality with each other. If the landlords and tenants were acting harmoniously, he thought that a close time of four months in each year would be amply sufficient; but he was not wedded to any particular period, and would assent to either four, five, or six months, as might be thought best. He had not been able to support the proposal of his hon. and gallant Friend (Sir Walter B. Barttelot) to prohibit the

*Sir Walter B. Barttelot*

use of the gun by occupiers of land in the destruction of ground game; but, at the same time, he could not help thinking that the delegation of the use of guns on farms to a large number of persons might produce an infinity of mischief, particularly on small estates. Subject to some limitations in that respect, it seemed to him a most reasonable thing that the landlords and tenants should be at liberty to fix upon the periods during which ground game might be killed, and to decide upon the instruments which should be used for the purpose. It was, of course, necessary, on grounds of public policy, to put certain restrictions on freedom of contract; but, subject to such necessary restrictions, he thought the law should be so framed as to be agreeable to all parties concerned.

**Amendment proposed to the proposed Amendment,**

To add, at the end thereof, the words "and in all other cases, notwithstanding anything in this Act contained, the periods, not being less than four months of the year during which, and the instruments by means of which, such right shall be exercised, may be the subject of special agreement between the occupier of the land and the owner thereof." — (*Mr. Sclater-Booth.*)

Question proposed, "That those words be there added."

SIR WILLIAM HARCOURT said, the right hon. Gentleman (Mr. Sclater-Booth) had dealt with the whole matter in so liberal a spirit that he should have been extremely glad if he could in any way have entertained his Amendment. The right hon. Gentleman was of opinion that his proposal was reconcilable with the principle of the Bill; but that he (Sir William Harcourt) could not admit. As it seemed to him, the main, if not the only, foundation for and justification of the measure, was that the lessors and lessees of the land did not contract upon equal terms; and, therefore, it was obvious that, except in most exceptional cases, the landlords would not give more than they were compelled to give by the Act. The Amendment was framed upon the hypothesis that landlords and tenants contracted upon equal terms, which, as he had said, was exactly opposite to that on which the Bill was founded. If the Amendment was adopted, the tenant would only be entitled to four months of each year in which to kill the ground

game, and the four months would be those which happened to be most convenient to his landlord. Then, again, with respect to the instruments to be employed in killing of the ground game, the landlord would be the *dominus* of the contract, and he might insist that only bows and arrows should be used for the purpose of killing rabbits. He must, on every ground, decline to accept the Amendment, which struck at, and, if accepted, would destroy the very principle on which the Bill was based.

SIR MICHAEL HICKS-BEACH said, he did not think those parts of the argument of the right hon. and learned Gentleman the Home Secretary, which had reference to the limitation of time within which the tenants might kill game, were pertinent to the contention of his right hon. Friend the Member for North Hants (Mr. Sclater-Booth). The right hon. and learned Gentleman the Home Secretary did not seem to have objected to the principle embodied in the Amendment when it was applied to Scotland; but he would not admit it as far as England was concerned. The right hon. and learned Gentleman had very fairly stated that his object was not to destroy sport; but to prevent damage to the farmer's crops by the over-preservation of ground game. Acting on that principle, the right hon. Gentleman the Member for North Hants had introduced a sub-section having reference to those parts of the Three Kingdoms in which grouse shooting was the principal sport. No doubt, those grouse shootings were profitable; but he (Sir Michael Hicks-Beach) wished to know why landlords in England who owned partridge shootings should not be allowed to make a profit from them? Unless some limitation were put to the time within which the concurrent rights of owners and occupiers were to be exercised, the sport of both owners and occupiers throughout England would be liable to be destroyed. And he thought that could be better done by agreement than by the laying down of a hard-and-fast line in an Act of Parliament. The 3rd clause of the Bill provided that every agreement, condition, or arrangement which gave an occupier an advantage in consideration of his forbearing to exercise his rights, should be void. It certainly seemed to him hard that a

tenant, having a right to kill ground game, but having also a love of sport generally, should not be able to make an agreement to refrain from shooting rabbits and hares on, say, the 31st of August, so as not to interfere with the partridge shooting on the 1st of September, on terms to be settled with his landlord. There were many cases in which landlords and tenants would wish to come to friendly agreements that the tenants should not exercise their rights to kill ground game to the prejudice of the landlord's sport in winged game, the landlords, perhaps, allowing certain annual sums to their tenants in consideration of such agreements; but, it seemed to him, such agreements, though mutually advantageous, would be contrary to the terms of the 3rd clause of the Bill; or, if not in contravention of the precise terms, would be opposed to the spirit of the measure. If that was so, was it not the fact that the Committee was attempting to legislate in opposition to the general wish of the owners and occupiers of land, and would it not be better to take a consistent course, and make the measure tally with the actual facts of the case? On the best managed estates in the country, where the tenants killed the ground game, and where they had a good understanding with their landlords, they were careful not to exercise their right in the nesting season, and so the landlords had their partridge shooting in September, and possibly in the early part of October. All he wanted was that these friendly arrangements should not be interfered with.

MR. PUGH contended that it was perfectly idle to suggest that any agreement satisfactory alike to landlord and tenant could be come to, as the superior power would necessarily be in the landlord in such an unequal case, even though it was the alleged intention of hon. Members opposite to procure freedom of contract. He hoped the Committee would refuse assent to this Amendment, for the reason that it was inconsistent with the main principles of the Bill, and would not, in any way, conduce to bring about a more friendly feeling between landlords and tenants.

MR. SCLATER-BOOTH wished to explain, in reference to a remark of the right hon. and learned Gentleman the Home Secretary, that he (Mr. Sclater-Booth), by his Amendment, simply wished

to provide that tenants, with the right of sporting over their holdings, might make special arrangements with their landlords.

MR. GORST said, he thought that one advantage to be gained by adopting the Amendment of the right hon. Gentleman the Member for North Hants (Mr. Sclater-Booth) did not appear to have struck those who had charge of the Bill. They had heard a good deal about driving a coach and six through the Bill; and it must be obvious that that would be much more likely, if they were too hard upon the landlord, and did not give him an opportunity of settling anything whatever by agreement or arrangement. Therefore, he believed that the Amendment would make the Bill more effective. He did not think that the argument of the right hon. and learned Gentleman the Home Secretary was a very strong one where he had referred to the *dominus* of the contract. For his part, he (Mr. Gorst) did not understand what that meant. It sounded very formidable; but when two contracted together he was not aware that one was the *dominus* and the other the *servus*. The landlord could enter into the contract as he liked, and the tenant as he liked; and he did not know that one was more of a *dominus* than the other. The other argument used by the right hon. and learned Gentleman was that the Amendment was fatal to the Bill. That was an argument which would have had some weight with him two months ago, when the Bill was first introduced. At the earlier stages of that Bill, he had supported the Government almost always; but he was not so much disposed to do so now, at that period of the Session, especially since they had been told by a high authority that it was impossible that Bills of that kind could be adequately discussed. They were told that it was not right for hon. Members to discuss those Bills, and that they ought to be allowed to pass in the form in which they were introduced. They had been told at the beginning of the Business that day that that Bill would not be considered next week, and, therefore, it could only be taken in the week after at the earliest. He did not suppose that it would reach the House of Lords until a late period of September. On that account, he thought there could be no objection to the Amendment, even if it were fatal to the Bill, being

thoroughly considered; but he did most strongly object to Bills being brought before that House at a time when they could not be properly discussed.

MR. KNIGHT said, he believed no Amendment that had been proposed was more just than that one. The right hon. and learned Gentleman in charge of the Bill thought that it was very wrong that the landlord should have the dominant authority in the making of agreements. The right hon. and learned Gentleman was so impressed with that view, that he had repeated in his speech the words "dominant authority" seven times, if not more. If they believed what Mr. Caird said, it would appear that the landlord had five times the amount of property in the farm that the tenant had. Surely the owner of five-sixths of the property ought to have a certain amount of dominant power more than the owner of one-sixth. They could not contract on perfectly equal terms. That, at any rate, was his opinion. All that he asked was that Parliament should confine itself to the wording of the Preamble, and carry out its intention—namely, the protection of crops from ground game. That, he believed, would be effected by the acceptance of the Amendment of the right hon. Gentleman (Mr. Sclater-Booth). What that Amendment proposed would meet the case of the farmers, and they had never asked for anything more. They had only asked for power to clear the estates of ground game.

THE MARQUESS OF HARTINGTON said, he did not rise to continue the discussion on that Amendment; but the hon. and learned Member for Chatham (Mr. Gorst) had let fall a remark which he (the Marquess of Hartington) could not allow to let pass without some observation. The hon. and learned Member said that he (the Marquess of Hartington) said, at an earlier part of the day, that the Bill would not be proceeded with next week. He did not recollect having made any such statement. At the same time, he had to state frankly to the Committee, and he rose for that purpose with great regret, that he was under the necessity of modifying, to a certain extent, an answer which he had given at an earlier period of the Sitting to a Question which the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) put to him without Notice. The right hon.

Gentleman had asked him what would be the chief Business next week, and he had stated, in reply, that the chief Business would undoubtedly be that of Supply. He also stated, in answer to the right hon. Gentleman, that the Burials Bill, which had recently come down from the House of Lords, would certainly not be proceeded with until the Business of Supply was completed. The hon. Member for Mid Lincolnshire (Mr. Chaplin) then asked whether the Report on the Hares and Rabbits Bill would be taken before Supply was finished, and he (the Marquess of Hartington) had stated that it would not. What he had to state, then, was that he had given that answer without sufficient consideration. The Question had been put to him without Notice, as Questions frequently were, and he had answered it without consulting his Colleagues, and he acknowledged that he had not sufficiently considered the importance of sending that Bill at the earliest possible period to the House of Lords. Standing, as it did, in a totally different position to the Burials Bill, he had not sufficiently considered the necessity of that course. He was extremely sorry that he should have, even for a short time, in any degree said anything to mislead the House of Commons. As soon as he had consulted his Colleagues, he immediately communicated with the hon. Member for Mid Lincolnshire and the right hon. Gentleman opposite, and, he believed, the greater number of hon. Members sitting on the opposite side of the House, that he would take the first convenient opportunity of taking the Report on that Bill, in order that it might be sent as soon as possible to the House of Lords; and he also communicated the fact that he would take an opportunity of making an explanation to the House before the discussion of that evening closed. He would only state that he regretted very much the mistake that had occurred; but he thought the Committee would be inclined to excuse it, when they considered that his time during the day was not altogether unoccupied, and he had not much time to devote to the consideration of those measures. He had taken the earliest opportunity, after consulting with his Colleagues, of setting the matter right with the House.

SIR STAFFORD NORTHCOTE said, he could not suppose for a moment

that the noble Marquess (the Marquess of Hartington) would intentionally mislead the Committee. He (Sir Stafford Northcote) was quite sure that there would be but one feeling in the Committee as to the fair and courteous manner in which the noble Marquess discharged his duties as the temporary Leader of the House. At the same time, he was bound to point out that it was extremely inconvenient and very unfortunate that that mistake should have occurred at the beginning of the evening. At that time of the year, no doubt, hon. Gentlemen were particularly anxious to be aware of the arrangements that had been made for the Business; and the statement which had been made by the noble Marquess was so made in the presence of the right hon. and learned Gentleman the Home Secretary, who had charge of the Bill, who ought immediately to have taken the opportunity of correcting the slip which the noble Marquess had made. The effect of the statement was, that many hon. Gentleman believed that that Bill would not come on, at all events, during the early part of next week. The noble Marquess did certainly say that it would not be taken next week, but that the Report of the Bill would be taken after Supply was finished. The right hon. and learned Gentleman the Home Secretary had made no attempt to correct the statement. Under the circumstances, no doubt, many hon. Gentlemen might have left the House under a wrong impression; and although the noble Marquess had communicated to him and his Friends the fact of a mistake having been made, that could hardly be considered an equivalent for the statement in the first place.

THE MARQUESS OF HARTINGTON asked to be allowed to make a comment upon what had fallen from the right hon. Gentleman opposite (Sir Stafford Northcote). He could not imagine any hon. Gentleman would, by what had taken place, be put in any worse position than if the statement had been made at half-past 4. He did not know what could be the circumstances under which an hon. Member who was desirous of taking part in the discussion upon the Bill would be absent from the Committee; therefore, he believed there was practically little difference between Notice being given

then, or if it had been given at half-past 4.

LORD RANDOLPH CHURCHILL begged to move to report Progress. He wished to point out that the real difference between the position in which they stood then and that at half-past 4, was that, at half-past 4, as regarded the conduct of Business during next week, the position was one of absolute certainty; whereas it was now one of absolute uncertainty. They knew that, whether the Committee on that Bill was completed on that day or on the morrow, there could be no misunderstanding as to its course. It was rather an unfortunate thing that during that Session there had been a sequence of misunderstandings with regard to the conduct of Business—he would merely allude to what had taken place the day before. The hon. Member for Bedford (Mr. Magniac) had made almost an attack on the Government, because he had not been able to elicit the course that Business was likely to take. But whether that Bill was concluded to-morrow or not, they understood that, under any circumstances, the Irish Estimates were to be taken on Monday, and that Supply was to be proceeded with *de die in diem* until concluded. He wished to know whether that arrangement fell entirely to the ground, since the noble Marquess had had the opportunity of consulting his Colleagues? He also wished to know whether, supposing that Committee was not concluded to-morrow, it would be proceeded with on Monday or Saturday; and further, whether, if the Committee were concluded to-morrow, the Report would be taken, so as to interfere with the other arrangement laid down by the noble Marquess or not? He thought it would be to the convenience of hon. Members, who, at that period of the Session, were called out of town by various causes, as far as possible to allow them to make their arrangements in such a way that they might be able to attend the House on those particular occasions when important Business was coming on. He thought that the noble Marquess would admit that, under the circumstances of so extraordinary a prolongation of the Session, it was not unreasonable that hon. Members should be informed of the days when particular Business was expected to come on.

*Sir Stafford Northcote*

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Lord Randolph Churchill.)*

SIR WILLIAM HARCOURT said, that the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) seemed to think that he (Sir William Harcourt) ought to have taken a different course to that he had taken in regard to what had fallen from his noble Colleague (the Marquess of Hartington) at half-past 4. He confessed that he understood the duties of those who sat on the Treasury Bench differently from the right hon. Gentleman. He had not considered it his duty to correct the noble Marquess, and, therefore, he begged leave to be absolved upon that point. With reference to what the noble Lord the Member for Woodstock (Lord Randolph Churchill) had said, he would point out that it was utterly impracticable, in the present state of Business, especially with reference to Committee of Supply, to tell hon. Members when matters would be brought forward. The only consequence of those frequent attempts to pin his noble Friend in that manner would be that he would be obliged to abstain altogether from making any promises at all. He did not see how they could expect the Leader of the House to reply in any more definite manner. If there was not to be some give and take in that matter, and a reasonable interpretation to be put on what was said, how was it possible to make any arrangements? The noble Lord must know, if he reflected for a moment, that it would be impossible to state accurately when each particular measure would be taken. When the right hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) asked about the Bill that had come down from the House of Lords, his noble Friend stated that it would not be taken probably immediately. It was well known that there were generally several blank days while the Appropriation Bill was going through, and then it would probably be disposed of and returned to the other House. He had only risen for the purpose of saying that it was impossible to say exactly when that Bill would be taken, and also that, in the present state of Business, the Government were unable to say

what would come on on a Monday, Wednesday, or Friday.

LORD RANDOLPH CHURCHILL said, that the Government had stated what would be taken on Monday.

SIR WILLIAM HARCOURT said, that it was the wish of the Government to consult the convenience of hon. Members; but he thought it would be admitted that a statement such as that asked for could not be afforded.

THE CHAIRMAN: Before the Committee proceed further with this discussion, I must point out that such discussions as these in Committee are irregular. The Question before the Committee is that of this particular Bill, and any other question is out of Order. We may easily drift into a general discussion.

MR. CHAPLIN said, that the digression that had occurred from a discussion on the course of Public Business had not come, he desired to point out, from that side; and, therefore, he hoped that he should not be out of Order, or be considered as disputing the authority of the Chair in any way, if he asked permission to follow the right hon. and learned Gentleman for a moment. He readily and entirely accepted the disclaimer of the noble Marquess the Leader of the House. No one, he was sure, would suspect him of wishing to mislead; but, in order that there should be no misunderstanding whatever as to what had occurred, he would desire to be permitted to repeat the Question which he had put at the commencement of the Sitting. In consequence of what had fallen from his noble Friend, were they to understand that if that Bill was not concluded that day or to-morrow, it would not be taken until Supply was completed? His noble Friend had stated that the most convenient course would be not to take the Bill until after Supply; and he had just then also stated that he saw no reason why hon. Members should be put to more inconvenience than if his present communication to the House had been given at half-past 4. He (Mr. Chaplin) thought that there were reasons why there should be inconvenience. Hon. Members who were opposed to the principle of the Bill were not, perhaps, interested in the discussion of the details, and they might have absented themselves from that discussion, and contented themselves with rais-

ing the whole question of the principle when the Bill was being considered on Report. It was not only Members interested in that Bill that had to be considered. When the noble Marquess made his statement, he had seen Irish Members in the House whom he did not see there then. It was quite possible that they had been influenced by what the noble Marquess had said, and had made arrangements accordingly. He quite sympathized with his noble Friend in the difficulties in which he was placed; but he thought they might fairly ask before what day he would not take the Report of that Bill. He understood that the Government had arranged to take Supply on Monday, and, if the noble Lord adhered to what he said, *de die in diem* until finished. The right hon. and learned Gentleman the Home Secretary said it was absolutely impossible to give any assurance with regard to Public Business. He should like to know when it had occurred before that the Government refused to give that information. As to not stating the time when the different measures would be taken, it was absolutely unprecedented. He had had the honour of occupying a seat in that House for many years, and he never recollected a time when the Government did not make every exertion to consult the convenience of hon. Members on both sides of the House, and to avoid as far as possible all inconvenience with regard to the days when the principal measures would be taken. Why was it not to be so then? He contended that it was trying the patience of hon. Members of the House of Commons to tell them that the Government declined to give information as to the course they meant to pursue. He denied that any attempt had been made to pin the noble Marquess. As far as he was concerned, at any rate, he wished to know before what day the Report of that Bill would not come on? To say that they were trying to pin the noble Marquess, was an uncalled-for observation on the part of the right hon. and learned Gentleman.

Mr. BERESFORD HOPE said, that an observation of the right hon. and learned Gentleman the Home Secretary called for a few words of comment. He had pointed out, and they all, of course, agreed with him, that the Burials Bill stood on a different footing from Bills

commenced in this House. Of course it did; but he went on to say that during the time that the Appropriation Bill was running its course, they could also deal with the Burials Bill. As a rule, he believed that the Appropriation Bill did not live there more than three or four days, and during that time there was a good deal of other Business that must be done. He was not referring to such Bills as the deceased Vaccination Acts Amendment Bill, but to measures which, if not passed, would bring the whole machinery of the State to a dead-lock. There were 20 or 30 expiring laws rolled up in an omnibus Bill, about which, perhaps, there would be something to say; and then there was the adjourned debate on the Indian Budget; and he did not know how many boroughs there were suspended for corrupt practices, whose cases would have to be considered. Besides these, the Census Bill would, according to that proposal, have to be taken in the few days of the Appropriation Bill. No doubt, the right hon. and learned Gentleman was an exceedingly clever man, and he carried on the business of his Office with singular ability and power; but it would tax even his ability to do all that, and yet keep the Appropriation Bill before that House, during the very short period that Bill usually occupied.

THE CHAIRMAN: I must point out to the right hon. Gentleman that the Motion before the Committee is that I report Progress. The discussion has assumed an aspect wide of the scope of the Bill before the Committee.

Mr. BERESFORD HOPE said, of course, he should bow to the decision of the Chair. He must say, however, that he was only replying directly to the remarks of the Leader of the House and the right hon. and learned Gentleman the Home Secretary. But, to return to "Hares and Rabbits," he would say that he thought it was important that the day on which the third reading of the Bill would be taken should be made known.

Sir H. DRUMMOND WOLFF said, the noble Marquess, at half-past 4 o'clock, gave the House a distinct programme of Business. He (Sir H. Drummond Wolff) made every allowance for changes in that programme, as he knew the Government, at that moment, were like sheep without a shep-

herd. But he thought the Opposition had a right to ask the noble Marquess to place them in the same position as they were at half-past 4 o'clock, and to give them a fresh programme, so that they might know the position of Business.

COLONEL MAKINS said, he should be the last person in the world to attempt anything disorderly; but a remark had been made by the right hon. and learned Gentleman the Home Secretary which he thought would have the effect of misleading both hon. Members and the public outside the House. If it was not proper to try to obtain the information he desired in the present Motion, he should be, perhaps, obliged to move the adjournment of the House.

THE CHAIRMAN said, after Progress was reported the Speaker would come back to the Chair, and hon. Members would be then perfectly in Order in putting these Questions. The question now before the Committee was that Progress be reported.

LORD RANDOLPH CHURCHILL said, he should very much like to facilitate the progress of the measure; but, after the request which had been addressed to the Treasury Bench for information as to the course of Business, he should certainly press his Motion to a division. It was open to the noble Marquess to say whether it was the intention of the Government to keep hon. Members in the dark, in order to slip Bills through Parliament without discussion and proceed in a manner which was without precedent.

MR. JUSTIN M'CARTHY said, he had no intention of prolonging that debate. He was simply anxious to hear whether the Bill was to be carried on in a way which was to interfere with the arrangement made at half-past 4 o'clock? He hoped the noble Marquess would give some further information, as a guide to the movements of Irish Members during the next few days.

SIR STAFFORD NORTHCOTE said, he rose simply with the view of trying to save time by suggesting to the noble Marquess that when the Committee had concluded so much of the Bill as could be got through on that occasion, it would be necessary to fix some time at which its consideration in Committee would be resumed. That would appear to be a convenient opportunity for making a

statement with regard to so much of the Public Business as the noble Marquess might be able to give the House some information upon. He trusted, therefore, that no further discussion would take place upon that subject, because it was inconvenient to take that course when the House was in Committee. They were engaged upon an important Amendment, which he hoped the Committee would be able to pronounce upon before it separated. In the meantime, pending the consideration of the suggestion he had made to the noble Marquess, he thought the present incident might terminate.

MR. GORST said, he hoped the noble Marquess would save the Committee from the trouble of a division by giving the assurance asked for by the right hon. Baronet the Member for North Devon (Sir Stafford Northcote).

THE MARQUESS OF HARTINGTON said, he would do all in his power to the information desired, in the way suggested by the right hon. Gentleman the Member for North Devon.

Motion, by leave, *withdrawn*.

SIR STAFFORD NORTHCOTE said, he had deliberately refrained from speaking on many of the Amendments which had been proposed in the course of the discussions in Committee on the Bill, because he thought that the Committee would be in a false position if it attempted, by a clause or clauses in an Act of Parliament, to regulate a matter which it was almost impossible for Parliament to regulate. No doubt, it was the function of Parliament to lay down the great principle on which contracts should be made; but when, without clear and absolute necessity, it attempted to legislate upon all the details of matters such as they were now considering, it proceeded beyond the bounds where its interference would be useful. With regard to the Amendment before the Committee, he felt great difficulty in saying whether the close time should be so many months or not, or whether it should begin on one day or on another; or, again, whether particular instruments should be used or not in the destruction of ground game. The professed object of the Bill, or, rather, what had been its professed object—namely, the limitation of the quantity of ground game, and the preservation



of the crops against undue injury—might be obtained without such a minute interference with those interested in the promotion of agriculture as was proposed by the Bill. He felt that it was not unreasonable to make provision for the reduction of ground game, and that something should be done to give the occupier greater power than he had at present for securing that object. But when a proposal was brought forward that if the occupier made no agreement, he should have all the advantages of the Bill, and that if he did make one, he should have time during which to use proper means for the destruction of ground game, it was only fair and reasonable that they should endeavour to prevent misunderstandings between those who ought to be upon the best terms. The right hon. and learned Gentleman the Home Secretary said that the landlord was now the *dominus* of the contract, and that under the provision moved by his right hon. Friend the Member for North Hants (Mr. Solater-Booth), he would still be the controlling power. The right hon. and learned Gentleman also appeared to think that if there were to be a scintilla of an agreement, it would simply be putting the whole thing into the hands of the landlord and treating the tenant as a slave. Now, he believed that to be an insult to the tenantry of this country. The Committee had been told that in many parts of the country no farmer would think of taking a farm with the understanding that he was to have nothing to say with regard to the killing of ground game. Under those circumstances, it was idle to talk of the landlord being the controlling power, and he hoped the Committee would see their way to the adoption of the Amendment of the right hon. Gentleman the Member for North Hants, which appeared to him (Sir Stafford Northcote) most likely to obtain the object in view with the minimum of dissatisfaction.

Original Question put.

The Committee *divided*:—Ayes 75; Noes 154: Majority 79.—(Div. List. No. 126.)

Question again proposed,

"That the words '(4.) In the case of moorlands, and uninclosed lands (not being arable lands), the occupier and the persons authorised by him shall exercise the rights conferred b

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this section only from the eleventh day of December until the thirty-first day of March in each year, both inclusive," be added at the end of the last Amendment."—(*Sir William Harcourt.*)

Mr. BIDDELL said, he proposed to omit the sub-section (No. 4), because it was contrary to the principle of the Bill, as, under it, it would be possible for a very large head of rabbits to be kept, and the tenant farmers to have no control of them whatever. He had had some experience of gamekeepers, and knew what clever people they were. Under this clause, they could stock the land with rabbits after the 31st of March, and kill and appropriate the crop of rabbits before December 12th. In the interval, they would have been destroying the tenant's crops, who could not, as the Bill stood, touch one, if on large unenclosed land. To a Suffolk out-going tenant, where tenancies ceased on October 11th, it would be particularly hard, as he could not have any rabbits that had fed on his last year's crops.

Question put.

The Committee *divided*:—Ayes 194; Noes 23; Majority 171.—(Div. List, No. 127.)

Mr. GREGORY said, he was aware that the Committee had already decided that there should be more than one agent; but it had not yet decided that any limitation should be applied in the case of very small estates, and that limitation, he thought, would be an advantage, if applied in the manner proposed. When a person held a farm of only 100 acres he would propose that he should appoint one agent only, and that the number of agents should increase by one for each 100 acres afterwards.

Amendment proposed, at the end of the Clause, page 1, to add—

"(5.) An occupier of not more than one hundred acres shall be entitled to appoint one agent only under the provisions of this Act, and an occupier of more than one hundred acres shall be entitled to appoint one agent in respect of every one hundred acres so occupied by him."—(*Mr. Gregory.*)

SIR WILLIAM HARCOURT hoped the Committee would not accept the Amendment, because it was going a great deal too much into detail. Before large sheep farms in Scotland, they do not know how many hun-

dreds of men the farmers would not be able to employ, as one sheep farm often included many thousand acres. He would point out also that the words were not proper words to use in the Bill, as the word agent, at present, did not exist in the measure at all.

Amendment, by leave, *withdrawn*.

MR. TOTTENHAM said, the object of the Amendment he was about to propose was to have a close time for hares, and everybody knew who was interested in sport that if they did not have a close time for hares in Ireland, that hares would very shortly be exterminated there. He proposed the particular time mentioned in his Amendment with regard to Ireland, in order to make that time agree with the Bill which was passed through Parliament last Session, though he would have preferred the close time being the same in both countries. He hoped the Amendment would commend itself to the right hon. and learned Gentleman.

Amendment proposed, at the end of Clause 1, to add the words—

“(5.) The occupier shall not, nor shall any person authorised by him, kill or take hares between the first day of April and the first day of August in England and Scotland, and between the twentieth day of April and the twentieth day of August in Ireland.”—(*Mr. Tottenham.*)

Question proposed, “That those words be there added.”

SIR WILLIAM HARCOURT said, with regard to Ireland the hon. Gentleman (Mr. Tottenham) would see that he had saved the Act passed last Session by the words in the last clause, that nothing in the Bill should effect the Hares and Rabbits (Ireland) Act. As regarded England and Scotland, he thought they ought not to make a close time for hares, because of the injuries which hares did to the young plantations.

MR. J. W. BARCLAY said, he must also point out that the Amendment would not give a close time for hares generally, but would only afford a close time for them as regarded the occupier. The landlord could kill them just as much as before.

SIR MICHAEL HICKS-BEACH said, that he was going to ask his hon. Friend (Mr. Tottenham) to withdraw his Amendment, in order to move a more general

Amendment, for which he thought there was a good deal to be said. He believed the occupiers themselves in his own part of the country were anxious for a close time.

SIR WILLIAM HARCOURT said, it was quite clear that the Committee would have to take a division on the question of a close time, and it was very undesirable that they should have the matter raised time after time in various forms of these Amendments. Therefore, if they could agree on one Motion as settling the whole principle, it would be a convenient course. He would venture to suggest that the most convenient course would be to take the Motion proposed by the hon. Gentleman now before the Committee. It would save time if, on dividing on that, they might consider it a test Motion.

MR. GIBSON said, if that was done, the Amendment ought to be amended before it was put. The Committee should certainly know what it was going to vote against. The objection taken had no reality in substance. It was quite clear that, even at the present time in Ireland, there was a close time for hares, a Bill having been introduced by two hon. Irish Members, one of them the hon. Member for the City of Waterford (Mr. R. Power), who took a great interest in sport, and the other the hon. Member for the County of Cork (Mr. Shaw). As there was already in Ireland, for a wise and benevolent purpose, a close time for hares, he could not understand why unfortunate English and Scotch hares should be left out of that close time and be killed. A great deal had been said about the conflicting interests of owners and tenants; but, on that occasion, he thought somebody should say something on behalf of the poor hares. In the interest of those unfortunate animals, he would venture to suggest that there was much to be said in favour of the Amendment proposed by his hon. Friend (Mr. Tottenham). What was there really to be said against having a close time? It was not sought or intended to give any peculiar or special privilege to landowners against tenants, for the Amendment equally affected both landlords and tenants; and as all class interests were put out of the question, and no preference was given to either, and as no special prejudice was worked to the tenants, he would put it

to the Committee that it was fair and reasonable that there should be a close time for hares. Was it not a fair and reasonable thing? ["No!"] Well, some hon. Gentlemen said "No;" but that hon. Gentleman might possibly not give any reason for his opinion. There was at present a close time in Ireland by law. That law was to be retained there; and if that was so, retaining it in Ireland, could they find any reason for condemning the proposal that it should be introduced in England and Scotland? What was the difference between an Irish hare and an English one? He knew that it was constantly said in Ireland that all they wanted was equal justice with England, and now, having got justice for Ireland, he was trying to extend that justice to England. He put it to his Home Rule Friends, as they had got justice for the Irish hares, that it ought to be extended equally to English hares. In order to make his Amendment broad, he would move that the word "occupier" should be left out, and that the Amendment should read "no person shall kill or take any hares."

THE CHAIRMAN said, if that Amendment was to be moved, the previous one must be withdrawn.

Amendment, by leave, *withdrawn*.

Amendment proposed,

At the end of Clause 1, to add the words "(5.) No person shall kill or take hares between the first day of April and the first day of August in England and Scotland, and between the twentieth day of April and the twelfth day of August in Ireland."—(Mr. Tottenham.)

Question proposed, "That those words be there added."

Mr. PUGH trusted the right hon. and learned Gentleman the Home Secretary would agree to that Amendment, which would please the great majority of the Committee, and he was quite sure would not be objected to by tenants in this country. If they could poll any county constituency, he was certain the tenants would vote in favour of this proposal for a close time. ["No!"] The right hon. and learned Gentleman said "No;" but he (Mr. Pugh) would back his own judgment against that of the right hon. and learned Gentleman upon the matter, and upon it he was certainly entitled to form an opinion, and he believed he had formed a sound one. If the Amendment limited the occupier and left the owner free, he should vote against it; but, as

it was at present proposed, he thought it ought to be accepted.

Mr. MONK said, that he also appealed to the right hon. and learned Gentleman the Home Secretary to accept that Amendment. So long as the question merely applied to the occupiers, of course, he could not vote for it; but now that it had been made general, he thought that it was only fair and reasonable that a close time should be granted for hares. He was sure his right hon. and learned Friend would not be acting contrary to the wishes of the tenants if he accepted the Amendment.

LORD ELCHO said, that if that were to be a Bill to preserve sport, there could be nothing more reasonable than to have a close time; but if it were a Bill for promoting good husbandry, by keeping down ground game, then there should be no close time. He looked upon the hares and rabbits as a very secondary question to deal with; and as he did not oppose the Bill on that ground, he should vote for having no close time.

SIR WILLIAM HARCOURT said, he would just ask the Committee to imagine the Preamble of a Bill running thus—

"Whereas it is expedient, in the interests of good husbandry, for the first time in the history of England and Scotland, to create a close time for hares."

To have such a provision as that would reduce the Bill to an absurdity. If it was wanted to strike a blow against the present Bill, it was only necessary to add such a clause as was now proposed.

Mr. BERESFORD HOPE said, he thanked the right hon. and learned Gentleman for taking up a position which was to the advantage of persons who were in the habit of planting trees, or who desired to do so. Anyone who had to do with plantations would know that rabbits and hares were most destructive to young trees. Hares, for instance, would stand on their hind legs and nibble off the top shoots. As a planter of trees, he should vote against the proposed addition to the clause for establishing a close time for hares and rabbits.

Mr. BRAND said, his right hon. and learned Friend (Sir William Harcourt) considered this Amendment was inconsistent with the Preamble; but he (Mr. Brand) would remind him that there

was an Amendment in his name, perpetuating a close time in Ireland, which would also be inconsistent with the Preamble of the Bill.

MR. SEXTON said, he thought the right hon. and learned Gentleman the Home Secretary should be consistent, and abolish the close time for Ireland also in the interests of good husbandry.

MR. BIDDELL said, the right hon. and learned Gentleman seemed to him perfectly illogical and inconsistent. The right hon. and learned Gentleman would not allow the ground game on moorlands to be touched until the 12th December.

MR. CHAPLIN said, the right hon. and learned Gentleman had just done the very thing of which he accused hon. Members who sat opposite him. He had just carried an Amendment giving a close time for rabbits; but the fact was, the inconsistencies in the Bill were absolutely inconceivable. It was astonishing to hear the right hon. and learned Gentleman, first of all, saying that the Bill was for the protection of crops, and then, that it was necessary to introduce an Amendment for the protection of the very animals he wished to destroy. It was difficult to say whether the right hon. and learned Gentleman, or his followers, had shown the least consistency; but, as he intended to preserve his own, he should vote against this clause.

Question put.

The Committee *divided*:—Ayes 58; Noes 148: Majority 90.—(Div. List, No. 128.)

SIR STAFFORD NORTHCOTE said, that the Committee having now been a considerable time at work, he hoped the right hon. and learned Gentleman would not consider it unreasonable to report Progress.

SIR WILLIAM HARCOURT said, he hoped the right hon. Baronet would not object to go on until the 1st clause was concluded.

SIR STAFFORD NORTHCOTE said, as far as he was personally concerned, he was ready to sit on; but there were a number of hon. Members who had been attending closely to the Bill, and conducted the discussion of the evening without any desire to put any obstacle in the way of the proceedings. Those hon. Members were now really tired, and he

thought it would only be reasonable to agree to a Motion to report Progress.

Motion made, and Question proposed, "That the Chairman do now report Progress, and ask leave to sit again."—(*Sir Stafford Northcote.*)

THE MARQUESS OF HARTINGTON said, he could have wished the Committee would have consented to the appeal of his right hon. and learned Friend to continue their labours until Clause 1 had been disposed of; but that appeal not having been met by the right hon. Gentleman opposite (*Sir Stafford Northcote*), he did not think it right to press it further upon the Committee, and would, therefore, agree to the Motion.

Question put, and *agreed to*.

Committee report Progress.

House resumed.

THE MARQUESS OF HARTINGTON said, he had promised that, at the time of fixing a day for the further consideration of the Bill, to give the House all the information in his power with regard to the future progress of Business. It was proposed to continue the consideration of the Hares and Rabbits Bill in Committee at the Morning Sitting that day, and if the Bill were not finished at that Sitting it would come on again, if possible, after the Motions on going into Committee of Supply at the Evening Sitting had been disposed of. If, unfortunately, the Bill was not finished at the Evening Sitting, he was afraid that the Government would have to ask the House to sit on Saturday. On Monday they proposed to take the Irish Votes in Committee of Supply, and if they were not finished on Monday, they proposed to continue the Committee on Tuesday. He did not think it would be possible for him to state what would be the course of Business after that day.

Motion made, and Question proposed, "That this House will, this day, at Two of the clock, again resolve itself into the said Committee."—(*The Marquess of Hartington.*)

MR. GORST said, that he had expressly asked the noble Marquess whether the Government would have recourse to a Saturday Sitting, and he was then told that, until the Government could fix a day for the close of the Session, they would not think it right to ask

for Saturday Sittings. He had stated to the noble Marquess that, if any extraordinary conduct had been pursued on that side of the House, it might be open to him to re-consider the assurance then given. But no such conduct had taken place. The discussion of the Bill had been conducted with great moderation, and, notwithstanding the interruptions sometimes made by hon. Members opposite, it had proceeded in good temper. The discussion, though ample, had not been by any means excessive; but he must say that if the noble Marquess was about to reward them for their moderation and good temper by threatening to have recourse to a Saturday Sitting, he would venture to say that the discussion about to ensue at 2 o'clock would be of a different character. He also ventured to acquaint the noble Marquess that there was a considerable number of hon. Members in the House who were determined that if the House did sit through the months of August, September, and even October, the Business of the House should be conducted, as far as they were concerned, in an orderly and regular manner. But they did not think it was conducive to the real progress of satisfactory legislation in that House to sit on Saturdays; and they would, therefore, deem it consistent with their duty to resist that proposal by all the means which the Forms of the House allowed.

COLONEL MAKINS said, he wished to remind the right hon. and learned Gentleman the Home Secretary that he had stated that the consideration of the Burials Bill would be left to the end of the Session, because it would not be necessary for it to go up to the House of Lords again. When the Bill was read a second time, the right hon. and learned Gentleman in charge of it (Mr. Osborne Morgan) distinctly stated that Her Majesty's Government intended to propose Amendments to the Bill. Unless a further change had taken place, he (Colonel Makins) took it for granted that the Bill must go back to the House of Lords; and, therefore, he asked for some additional information with regard to it?

Mrs WILLIAM HARCOURT said, it was so long ago since he made his statement, that he had almost forgotten what he said. If he did make the remark now

attributed to him, he was entirely in error; but, so far as he remembered, he was trying to draw a contrast between Bills which had come down from the House of Lords and those which had not.

Mr. J. G. TALBOT said, without in the least wishing to press the noble Marquess unduly, he thought they ought to know how they stood. His right hon. Friend (Mr. Beresford Hope) had asked when the Burials Bill would be taken. They had been told that Supply would be taken *de die in diem*, beginning on Monday. Thereupon, he (Mr. J. G. Talbot) ventured to rise, and ask if Supply was to go on until it was finished, and the noble Marquess nodded assent. He quite understood that, afterwards, a little difficulty had arisen in the minds of Her Majesty's Government, because the right hon. and learned Gentleman the Home Secretary, feeling a parental anxiety for his Bill, naturally desired it should go up to the House of Lords before an unreasonably late period, and wanted an exception made in its favour; but would the noble Marquess give an undertaking that Supply should go on *de die in diem*, with the exception of the Hares and Rabbits Bill? If that was not done, what a different state they would be in now to what they were in at the meeting of the House; for they would find that not only was Supply to be suspended for the Hares and Rabbits Bill, but they had no assurance as to what time anything else would be brought forward. Looking at the time of the Session, it was most inconvenient to make such arrangements, and for the House to be told at 4 o'clock that one thing was arranged, and then, at half-past 1 in the morning, that it was all changed. If the whole of the arrangements were to be upset, he hoped, at least, the noble Marquess would state distinctly what his new arrangements were.

LORD ELCHO said, before an answer was given, he should like to have a clear understanding with reference to Saturday. He could add nothing to what had been said by his hon. and learned Friend the Member for Oatham (Mr. Gorst); but it was very desirable that the noble Marquess should tell them whether that threat which, in an unguarded moment he let drop, was to be carried into effect if there was a

determined opposition, and whatever view hon. Members opposite might take. After such an understanding as was believed to be come to at 4 o'clock, the House would be within its right, and would, further, be doing its duty, if it were to resist, with all the power still left to it, such an infringement of the understanding come to as he considered that would be. It was essential that the convenience of hon. Members should be consulted, especially as they were so seriously incommoded by the course of the Government. They ought to know what to expect on Saturday. There were many hon. Members who did not take special interest in that Bill, who had made arrangements to leave town on that day; but if it became a question whether the Government were to go back on a position they had taken, those hon. Members would sacrifice everything in order to stay up and contest the question. Considering the inconvenience to which hon. Members were put by the Government insisting on forcing their measures through Parliament, it was only fair and just, if the Government intended to depart from any understanding, that they should give Notice of it, in order that those who differed from them might have an opportunity to take the course which appeared necessary.

SIR STAFFORD NORTHCOOTE said, without reference to any agreement or promise, he desired to impress on the Government that, in the interests of their Business, they would not act wisely in trying to force a Saturday Sitting. They at present were in a position which had no exact parallel in recent Sessions. He quite admitted that there was no reason why the House should rise in the month of August, or at any particular time. If they were told that there was Business which it was important that they should get through, he supposed they had no choice but to go on with it, and to endeavour to complete it. But if the House was engaged on important legislation—and it could only be important legislation which could detain them there so late—it was their duty to conduct that legislation in a deliberate and calm manner, and with a sincere desire to make it good and effective as far as it was possible. They had spent that day in what had been, no doubt, a very full discussion, but which also, un-

doubtedly, was not fuller than the case demanded. They were quite prepared to go on and to discuss it again that day when they met; and he had no doubt that on whatever other occasions it was brought forward they would be prepared to continue that discussion. But he was quite sure, from his own experience and from what he knew of the feelings of the House, that the Government would not conduce to the saving of time by endeavouring to force a Saturday Sitting. If the noble Marquess was in a position to tell them that if certain Business were got through by Saturday they would be arriving at the end of the Session, no doubt, the House would look at the matter in a very different light; but, as the noble Marquess was not able to say that, it would be unwise and unfair to the House to call upon it to give up the sixth day of the week. The Government already had the whole time of the House, except the short period of Friday evening; and, therefore, he hoped they would seriously consider the expediency of the course proposed.

MR. GOURLEY hoped the noble Marquess would act quite independently of anything that was said on the other side of the House. What they were threatened with was simply Obstruction; and, therefore, no matter what threats were used, he hoped the noble Marquess would adhere to his decision.

MR. COURTNEY said, he hoped they would not hear any more of that talk of threats and counter-threats. He never understood his noble Friend (the Marquess of Hartington) to use a threat. All he understood him to say was, that it would be necessary to resume that Bill again at the Evening Sitting, and if it were not finished, then it would be necessary to ask the House to sit on Saturday. That was certainly not the language of threats; and if the hon. and learned Member opposite (Mr. Gorst) would allow him (Mr. Courtney) to make a suggestion, the danger of a Saturday Sitting might be entirely obviated by those hon. Gentlemen going on with the Bill, and not unduly opposing it in the evening. They had five hours to work at to-morrow afternoon, and they might begin again at 9 o'clock; for, as far as he remembered, the only Notice on the Paper was one of the hon. Member for Hertford (Mr. A. J. Balfour), that it was inexpedient that important measures should be introduced

late in the Session. He (Mr. Courtney) quite agreed with that Motion, and he hoped the hon. Member would act up to the spirit of his Resolution, and assist discussion by withdrawing his Motion. If they began the Bill at 2 that afternoon went on until 7, and began it again at 9, they should be able to finish it that night. He was quite sure they might, if noble Lords and hon. Gentlemen opposite would co-operate with them.

THE MARQUESS OF HARTINGTON said, by the permission of the House, he might be allowed to say a word. He was sure they would believe that he had not the least intention of holding out anything in the nature of a threat. He suggested, and he could not do more than that, what he thought was the most convenient course. From what he had heard outside the House, he had thought the most convenient course, especially to many hon. Gentlemen opposite, who took a deep interest in this Bill, would be that the discussion of it should not be protracted for any considerable length of time. Under that impression, he suggested that if, unfortunately, they could not finish the Bill that day, it would probably be most convenient for the House, and especially for many hon. Gentlemen opposite, to sit on Saturday. He had a great respect for the opinion of the noble Lord the Member for Woodstock (Lord Randolph Churchill) and the hon. and learned Gentleman the Member for Chatham (Mr. Gorst); but he could not take the opinion of the House, or even of hon. Members opposite, entirely from them. ["Oh, oh!"] The expression of dissent which he had heard from them did not satisfy him as to the views of all the hon. Gentlemen opposite. But it was not necessary to discuss this question now, for it certainly was not possible to decide it. He only thought it would be fair to tell the House that this was a recommendation he should think it his duty to make, if the Bill were not finished on Friday night, in order that there might be fair notice to hon. Members of what was going to be done. It would not be possible for him to say more now, except that the main Business of next week would be the Business of Supply. As he had said a long time ago, the Burials Bill having come down from the House of Lords, was one of those measures

which might wait until Supply had been disposed of.

EARL PERCY said, he did not know why the noble Marquess referred to the remarks of the hon. and learned Member for Chatham (Mr. Gorst) and the noble Lord the Member for Woodstock (Lord Randolph Churchill), as not evincing the feeling of the House on that question. If he (Earl Percy) remembered rightly, the whole of the Opposition had expressed precisely the same opinion, that it would not be convenient to have a Saturday Sitting. It was the first time in his experience that the Leader of the House had treated the opinion of the Leader of the Opposition in the cavalier way that the noble Marquess had done. The hon. Member for Liskeard (Mr. Courtney) had declared that no threat was used, and the noble Marquess had observed that no threat was intended. He (Earl Percy) had no doubt that the noble Marquess was sincere; but when, after saying that, the hon. Gentleman proceeded to tell them that the only way in which they could get out of the difficulty was not to discuss a Bill which certainly deserved discussion, he ventured to consider that that was a threat. The hon. Member told them that if they would not discuss the Bill that morning, and if they would take the Motion of his hon. Friend the Member for Hertford (Mr. A. J. Balfour) in the evening, they might escape a Saturday Sitting. He ventured to differ with the hon. Gentleman altogether as to the value of that Motion. He considered it as most important to be discussed at the present time. He would venture to assure the House that there were many hon. Members who intended to present their views upon the question, and from that discussion he believed that a great deal of light would be thrown on the conduct of the Government.

MR. THOROLD ROGERS certainly hoped the course of Business would lead to a Saturday Sitting, if only one result should come of it—that of disabusing the noble Lord opposite (Lord Elotho) of another phase of the fallacies he entertained about the freedom of contract. He seemed to conceive that they were bound not to have a Saturday Sitting. He said that some understanding had been entered into between the House and hon. Members opposite; and, in

short, he had carried his doctrine of freedom of contract to such an extent that he really did not seem to know into what the theory might lead him. It was absolutely necessary that they should come to a definite conclusion as to the way in which that Business was to be brought to an end, and he earnestly hoped that no threat from the other side, and no weariness on their own side, would prevent that Bill from being completely finished that week. He could only say, for himself, that he would work as long as he was possibly able in order to finish it.

MR. CHAPLIN said, he did not understand any menace was addressed to the House by the noble Marquess (the Marquess of Hartington); but what he did understand was, that a distinct understanding was come to some days ago, and even a pledge was given by the noble Marquess to some hon. Members of the House, that he, at all events, on the part of the Government, would not suggest any Sitting on Saturday, till he was able to indicate the probable close of the Session. If that was not the fact, he hoped the noble Marquess would say so; but if he acknowledged that it was, as he (Mr. Chaplin) understood him to say, then it would be a distinct breach of faith on his part.

Question put.

SIR H. DRUMMOND WOLFF said, he should like the noble Marquess to give an answer. There was a distinct understanding that there should be no Saturday Sitting till the Government could announce the close of the Session. The noble Marquess had paid no attention to that undertaking—[Cries of "Oh, oh!"]—he should like to ask Mr. Speaker, whether he should be allowed to interrupted by sounds like those proceeding from below the Gangway? In order to give the noble Marquess an opportunity of answering, he should like to move that the debate be adjourned.

MR. SPEAKER: The Question is, "That this Order be taken this day at Two o'clock."

SIR H. DRUMMOND WOLFF: I beg, Sir, to move that the debate be now adjourned.

MR. SPEAKER: Does any hon. Member second that Motion?

LORD RANDOLPH CHURCHILL: I will second that Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(Sir H. Drummond Wolff.)

THE MARQUESS OF HARTINGTON said, it was impossible that he should give such an answer as the hon. Member seemed to want. Neither he nor the Government had any control over the Sitting; for it was the House, not the Government, which decided whether there should be a Saturday Sitting. Nothing that he could say would prevent the House from deciding that it was within its own convenience that the discussion on the Bill should be continued on the Saturday. He considered that he would be perfectly justified in asking the House to continue the discussion on Saturday morning, if that course would be convenient to the House. He did not undertake to say when the House would be able to adjourn; but he would say that he did not feel the slightest doubt that if the House would address itself to the limited amount of Business now remaining with good will, and a determination not to waste time, that it might easily rise within the week after next. If the Bill was not finished that night, a Saturday Sitting would materially assist its progress; and in anything he had ever said he did not intend to preclude the Government from asking the House to sit on Saturday, in order to finish the Business before it. He should not ask it to take up new Business; but if the House made progress, and the discussion were continued in the moderate spirit that had been shown that day, it probably would be for the convenience of the House that the discussion should finish on Saturday.

LORD GEORGE HAMILTON asked, if he understood the noble Marquess to say that no other Business than the Hares and Rabbits Bill would be taken on Saturday? [The Marquess of Hartington dissented.] If that was so, he (Lord George Hamilton) did not understand the proposition of the noble Marquess. The great inconvenience of a Saturday Sitting was that there was no time at which it regularly adjourned, and the Government might put down all their measures.

THE MARQUESS OF HARTINGTON: We cannot decide that matter now. When the Motion is made, it will, of



course, be convenient that some understanding should be come to.

MR. GORST (who spoke amid considerable interruption) said, he was sure the noble Marquess would not depart from any understanding which was come to; and, therefore, he wished to explain what it was that he understood was the arrangement, if hon. Gentlemen below the Gangway would stop the inarticulate noises they were making. He wanted them to understand what he thought the noble Marquess had pledged himself to. He understood the noble Marquess not to pledge the House of Commons, but to pledge himself personally, as the Leader of the House of Commons, that he, as Leader, would not propose a Saturday Sitting till he was able to indicate the day on which the Session would close. He, and many of the hon. Gentlemen round him, considered that that engagement would be violated, if the noble Marquess at the head of the Government should propose a Saturday Sitting that week, and should use the strength and influence and power of the Government to induce the House to agree to it.

MR. MONK said, he must point out that the noble Marquess had just said that if the Bill were concluded to-morrow, or Saturday, and if there was no obstruction put in the way of Supply, that the House might adjourn the week after next. The noble Marquess never promised to name a day on which the Session should come to an end. He merely said that he should ask for Saturday Sittings when he saw the probable termination of the Session, and that the noble Marquess had now done.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

*Resolved*, "That this House will, this day, at Two of the clock, again resolve itself into the said Committee."

#### MERCHANT SHIPPING (CARRIAGE OF GRAIN) BILL—[BILL 287.]

(*Mr. Chamberlain, Mr. Ashley.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Chamberlain.*)

*The Marquess of Hartington*

MR. J. G. TALBOT said, there were a great many Amendments on the Paper to Clause 3 and the remaining clauses of the Bill. It was hardly within the bounds of Parliamentary procedure to bring on the discussion in Committee on that Bill at that hour of the morning (2.10 A.M.), and he would, therefore, make an appeal to the right hon. Gentleman the President of the Board of Trade not to proceed in Committee beyond the point in the Bill up to which there was no disagreement.

MR. CHAMBERLAIN said, he was unable to give the assurance asked for. The circumstances surrounding the Bill were really exceptional; and unless that were the case, he would not urge the request to be allowed to make some progress.

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea, or on East Coast of North America).

MR. JENKINS said, the object of the Amendment standing in his name was to extend the operation of the Bill. As at present drawn, it applied to ships laden with grain cargoes bound to ports in the United Kingdom, and he desired to extend its application to ships loading in ports of the Mediterranean or Black Sea and East Coast of North America, bound for Europe. The Bill provided regulations for ships stowing grain in bulk of a very practical character, and did not burden the shipowner with any unnecessary restrictions. The regulations with regard to shifting-boards to be enforced by the Bill had already been adopted by shipowners and shipmasters engaged in the carriage of grain cargoes; and, therefore, he could not see any reasonable objection to the Amendment he had to propose. He proposed to exempt from the operation of the Bill all vessels loaded in the Mediterranean or Black Sea ports, and bound to ports inside the Straits of Gibraltar, and hoped the Amendment standing in his name, which he begged to move, would be accepted by the right hon. Gentleman the President of the Board of Trade.

Amendment proposed, in page 1, line 26, after "sea," to insert "bound to ports outside the Straits of Gibraltar."—(*Mr. Jenkins.*)

MR. CHAMBERLAIN said, that the Bill, as it was originally drawn, was by an oversight confined in its operation to ships bound to ports in the United Kingdom. It had been drawn on the unanimous recommendation of the Committee which sat to consider the subject, and he (Mr. Chamberlain) believed there existed a feeling amongst the Members that it would be impossible to provide surveyors to look after these grain-laden vessels at all the Continental ports. But having received proofs that vessels were sometimes improperly laden at Continental ports, he was prepared to accept the Amendment of his hon. Friend (Mr. Jenkins) under another wording. He would add that, if that Amendment were accepted by the Committee, he should then propose a consequential Amendment in a later part of the clause to carry out the intention of his hon. Friend the Member for Penrhyn.

MR. GOURLEY said, it would have been much better if the Bill had been framed by the Board of Trade. The alteration now proposed would apply to vessels trading from the United States to foreign ports. No doubt, the British shipowner could hold his own against all comers; but when it was known that the French Government were subsidizing French ships to something like the extent of 14 per cent, while British ships had to submit to fresh regulations, and such as were not imposed upon French ships, it was, he thought, perfectly clear that the English shipping would be heavily handicapped.

*Amendment agreed to; words inserted accordingly.*

Amendment proposed, in page 1, line 27, to leave out the words "is bound to the United Kingdom."—(*Mr. Chamberlain.*)

MR. JENKINS said, he was not quite sure that the Amendment of the right hon. Gentleman would meet the case of ships bound from a port on the North-East Coast of America to another port in America.

MR. GOURLEY said, it would be better if the clause were postponed in

order to re-consider the matter and bring up another clause on Report.

MR. CHAMBERLAIN said, he was not prepared to say that vessels trading on the Coast of America should properly be excluded from the provisions of the Bill. On the contrary, he thought it desirable in many cases that they should be included in those provisions.

MR. COURTNEY said, the inconvenience of the Government Amendment was that it applied to Transatlantic voyages only. But there was a considerable trade between the Canadian Dominion and the United States, and notably a large grain trade between Prince Edward's Island and the United States. Under all the circumstances, he thought it better to let the words stand as they were.

MR. CHAMBERLAIN said, he was well aware that anything which came from his hon. Friend the Member for Penrhyn was worth consideration. Therefore, although he would not finally pledge himself, the matter should receive due consideration before the Report, and, in the meantime, he would take the sense of the Committee on the omission of the words.

*Amendment agreed to; words struck out accordingly.*

MR. CHAMBERLAIN said, the Amendment he was now about to propose was one of several intended to meet the suggestions of his hon. Friend the Member for Hull (Mr. Norwood). The subject was rather technical, and would require explanation. The Committee were dealing with some exceptions to one of the provisions of the Bill, which required that a certain proportion of grain cargoes should be stowed in bags, and one of these exceptions was that where a ship was divided into permanent compartments, that this provision as to bags should not apply. It would be evident to the Committee, that if the compartments were small enough, and if there were no excessive quantity of grain in any one of them, there could be no danger of the grain shifting. As the clause stood, it was provided that these compartments should be permanent. But his hon. Friend the Member for Hull proposed to insert the words "bin or division," the effect of which would be that any division in the hold of a ship, whether made of permanent partitions,

or whether made by bulk-heads or longitudinal shifting-boards, as provided by the Bill, was to constitute a division. If, however, that Amendment were accepted, the Government would practically stultify their intentions, because all ships would be found to have four or more of these divisions. Therefore, he proposed to take what was reasonable in the Amendment of the hon. Member for Hull, and, at the same time, lose no element of real security. They were prepared to adopt divisions, as well as compartments; but with an additional stipulation, that there should not be more than 300 tons of grain in any such compartment. If the ship were a large one, it would be necessary that the hold should be divided by shifting boards or some substantial material in each compartment. He believed that would be the safest mode of stowing the grain, and, in order to carry it into effect, he would move that the quantity carried in any compartment should not exceed 1,500 quarters.

Amendment proposed, in page 2, line 23, after the word "cargo" insert "and not more than one thousand five hundred quarters."—(*Mr. Chamberlain*).

MR. JENKINS said, he thought the Amendment would meet all purpose.

Amendment agreed to; words inserted accordingly.

MR. CHAMBERLAIN said, however carefully grain cargoes in bulk were stowed, they always settled during the voyage; and if the vessel lurched, the grain shifted and put the vessel out of trim. That was, of course, a serious source of danger. Now if, by any means, the hold could be kept constantly full—that was to say, if the vacant space caused by the settlement and shifting of the cargo could be filled up, the cargo would be solid, and no more shifting could take place; and, in order to secure that, prudent shipowners had already provided feeders from the upper deck. He proposed, therefore, to make that precaution compulsory, in connection with that section of the clause, and begged to move the Amendment standing in his name.

Amendment proposed,

In page 2, line 24, after "compartment," insert "bin or division, and provided that each

*Mr. Chamberlain*

division of the lower hold is fitted with properly constructed feeders from the between decks."—(*Mr. Chamberlain*.)

MR. GOURLEY said, some ships were already provided with these feeders, with hatches on each side of the lower deck. They were filled with loose grain, so that in the event of the grain in the lower hold settling down, the space would be at once filled up from above. But he thought that a specific design should be provided for masters and shipowners, who would then have some information to guide them as to the proper construction of the feeders.

MR. CHAMBERLAIN said, it had been truly stated that the precautions already adopted at Montreal had met with the approval of the Committee, and formed the basis of the Bill. When Clause 5 was reached, the Committee would see that it was proposed to exempt from the operation of this clause any ships loaded in accordance with the regulations approved by the Board of Trade. No doubt, the regulations at present in force at Montreal were such as would meet with that approval. If it became necessary to define the exact nature of the precautions to be taken, there would be no objection to do so on the part of the Board of Trade; but there was a great desire on the part of the Government not to go too much into detail.

MR. JENKINS said, the clause as it stood in the Bill was, he thought, the best that could be adopted. What was wanted was, that the feeders should be properly constructed, and it was not intended to draw a hard-and-fast line.

Amendment agreed to; words inserted accordingly.

Amendment proposed, in page 2, line 25, to leave out "one-half" and insert "three-fourths."—(*Mr. Whitley*.)

MR. CHAMBERLAIN said, that Bill had been rendered necessary by the very numerous losses which had taken place in the grain trade, and which had enforced upon the public mind the necessity of greater precautions. The Bill was intended, therefore, to impose more stringent regulations upon shipowners with regard to that trade. The shipowners of Liverpool, however, proposed to make an alteration in the Bill, which would have the effect of rendering the

regulations less stringent than they were before. It might be taken for granted that, in the case of sailing ships, the registered tonnage was one-third less than the actual carrying capacity of the vessel. That was to say, that a vessel of 1,200 tons register would carry 1,800 tons of cargo. The effect of the Amendment upon that ship would therefore be that she might be loaded nearly full of grain, and still be exempt from the regulations proposed. That was, of course, a perfect stultification of the principle of the measure, and could not be entertained for a moment. The effect was not quite so apparent in the case of steamers, because their capacity was about double their registered tonnage. He believed it would be found, however, that the majority of steamers would be altogether excepted from the regulations if the Amendment were accepted, because they were not usually loaded full of grain. They took other cargo, and very few of them loaded more than three-fourths grain. Under the circumstances, he was obliged to oppose the Amendment.

MR. JENKINS said, he did not think his right hon. Friend the President of the Board of Trade had made out a good case against the Amendment proposed by the hon. Member for Liverpool (Mr. Whitley). The Bill required that there should be shifting-boards, even if the vessel had three-fourths of her cargo grain; the Amendment, therefore, only applied to the bagging of the cargo. His view was, that if a vessel had a cargo consisting of three-fourths grain in bulk, with shifting-boards, and the rest light goods, her stowage was as safe as it could possibly be. The Amendment was, therefore, in his opinion, worth consideration, and he should give it his support.

MR. GOURLEY said, he hoped the right hon. Gentleman would not accept the Amendment. The clause under discussion had been inserted in the Bill at the instance of the hon. Member for Hull (Mr. Norwood), who had large experience in the stowage of general cargoes. If the Amendment were agreed to, the Liverpool owners would have a great advantage over those of other parts of the United Kingdom. The Bill was, he thought, a fair compromise between those who advocated stowage in bulk and those who advocated the stowage of grain in bags. His opinion was, that

the only safe way of carrying grain was when it was stowed in bags.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. CHAMBERLAIN, Amendment made in page 2, line 28, after "grain," by inserting "in any compartment."

Amendment proposed, in page 2, line 40, to leave out sub-section (d).—(Mr. Gourley.)

MR. CHAMBERLAIN said, he hoped his hon. Friend would consent to withdraw the Amendment. The sub-section had been passed unanimously by the Committee, which had sat to inquire into the stowage of grain cargoes. One of the greatest causes of loss in connection with those cargoes was the careless way in which vessels were loaded and trimmed. The manner in which grain was loaded by some of the elevators in use was the greatest cause of its shifting at sea, and the sub-section simply imposed upon the shipowner the responsibility of seeing that cargo was properly stowed and trimmed.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 5 (Exemption from precautions specified in this Act for ships laden in Mediterranean or Black Sea, or on east coast of North America).

MR. GOURLEY suggested that the right hon. Gentleman the President of the Board of Trade should grant certificates to grain-carrying vessels—in the same way as certificates were granted by the Board to ships engaged in the carriage of passengers—to the effect that the regulations of the Board of Trade had been fulfilled, and that the vessel, by her construction, was in every way fitted for the carriage of grain.

MR. CHAMBERLAIN said, he did not think it advisable to accept that proposal. It would not be possible to provide each separate ship with a so-called grain-cargo certificate, nor would it, in his opinion, be to the advantage of the shipowner.

Clause *agreed to*.

Clause 6 (Notice by master of kind and quantity of grain cargo).

Amendment proposed, in page 3, line 18, after "master" insert "or agent."—(Mr. Jenkins.)

MR. CHAMBERLAIN said, he could not agree to the Amendment. The object was to make the provisions of the clause as comprehensive as possible; and if the agent were looked to as well as the master, there would, in case of default, be a question as to whom they should prosecute. If it was the agent, they would never get a conviction at all, because an agent, in foreign countries, could not be touched.

MR. GOURLEY said, he hoped the Amendment would be agreed to. The masters of ships, as a rule, performed nearly all the business of the loading through an agent. The personal attendance of the master to hand in this notice to the Consul might cause serious detention of the vessel.

MR. COURTNEY said, it was clear that the responsibility of the master should be left untouched.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. CHAMBERLAIN, Amendment made in page 3, line 18, after the word "deliver" by inserting "or cause to be delivered."

MR. CHAMBERLAIN said, with reference to the exemption of vessels laden at any particular port, the Board of Trade did not wish the office to be lumbered up with statistics of a useless character. It was well known that the arrangements at Montreal, for instance, were of a satisfactory kind; and, therefore, it was thought unnecessary that the sub-section he was about to propose should apply to vessels loaded there. Moreover, they were anxious to secure safety without unduly burdening the shipping trade. In order to effect that, he begged to move the Amendment standing in his name.

Amendment proposed,

In page 3, at the end of the Clause, to insert "Provided always, that the Board of Trade may, by notice published in the 'London Gazette,' or in such other way as it may deem expedient, exempt ships at any particular port from the provisions of this section."—(*Mr. Chamberlain*.)

MR. JENKINS said, he felt satisfied that the clause would be beneficial. This legislation was intended only to meet the case of captains and owners of ships who were careless in the stowage of their cargoes. He believed that the regulation for sending home a statement

of particulars with reference to the cargo and its stowage would be attended with good results, inasmuch as captains would know that the document could at any time be produced to prove how the cargo was stowed. He hoped the clause would be carried out.

Amendment agreed to; words inserted accordingly.

Clause, as amended, *agreed to*.

Clause 7 *agreed to*.

Clause 8 (Power of Board of Trade for enforcing of Acts).

Amendment proposed,

In page 4, line 10, after "stowed," to insert "But he shall give notice of his intention to do so to the master of the vessel immediately after her arrival."—(*Mr. Gourley*.)

MR. CHAMBERLAIN said, his hon. Friend (Mr. Gourley), he thought, had hardly considered the effect of that Amendment. It would be the duty of the Board of Trade officers to inspect all vessels coming to that country; and if preliminary notice were sent of their intention to do so, it must happen that shipmasters would be unable to discharge cargo until the Board of Trade Inspector had time to make his inspection.

MR. GOURLEY said, he wished to know how the shipowner was to be protected, if the Board of Trade sent an Inspector on board, unless he received notice of their intention to do so. The dock authorities, in making their surveys, always apprised the master that they intended to hold a survey; and, if he thought fit, he could at the time appoint another surveyor to act with them. He only wished that when the Board of Trade intended to make a survey they should give notice of their intention to do so.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Remaining clauses *agreed to*.

Preamble *agreed to*.

House resumed.

Bill reported; as amended, to be considered To-morrow, at Two of the clock.

House adjourned at a quarter after Three o'clock.

## HOUSE OF LORDS,

*Friday, 20th August, 1880.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
Post Office Money Orders (197).  
Committee — Fraudulent Debtors (Scotland) \*  
(193-202).

*Third Reading*—Drainage and Improvement of  
Lands (Ireland) Provisional Orders (No. 3) \*  
(192); Bastardy Orders \* (191); Consolidated  
Fund (No. 2) \*, and passed.

PARLIAMENT—BUSINESS OF THE  
SESSION.—OBSERVATIONS.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he was sorry to again trouble their Lordships on the subject of the manner in which the Public Business was being conducted; but it had now reached such a pitch that it was absolutely necessary that in their Lordships' House some further notice should be taken of it. He must once more say that he thought that House was not being well treated by Her Majesty's Government, especially after what had been already said on this topic. It now appeared, from a statement made in "another place" on the previous night, that Her Majesty's Government had determined to proceed with Supply *de die in diem*, which arrangement must, of course, still further delay the sending up of Bills to their Lordships' House. When the Hares and Rabbits Bill was to come up they did not know; and it was the same with the Burials Bill, if it ever was to come back to their Lordships. And now, what were the facts with respect to this latter Bill? It was introduced in their Lordships' House on the 27th of May, read a second time on the 3rd of June, committed on the 15th, reported on the 18th, and read a third time and passed on the 24th. That gave ample time for the deliberate consideration of the measure in their Lordships' House, and the Bill having been sent down was read a first time in the other House on the 25th of June. Ten different times had it been set down there for second reading; but that stage was not taken till the 12th of the present month. That was not treating their Lordships' House properly, or in accordance with the spirit of the Constitution.

The legislative Business of this country was intrusted to both Houses of Parliament, and the legislative Business of the country ought to be so arranged as to give time for its deliberate consideration by the two branches of the Legislature. The Commons had had an ample opportunity of giving the Burials Bill a deliberate consideration; but it had allowed nearly two months to elapse before reaching the Committee stage, which was nominally fixed for Monday next; but, in reality, Supply was to be taken on that day. The Burials Bill had met with no opposition of a character which ought to have prevented the Government from proceeding with it. The second reading was carried during one Sitting of the other House in such good time that the Post Office Money Orders Bill was taken afterwards on the same night, on which there were two divisions; and progress was also made with a very innocent Bill relating to young persons. There had been no obstruction whatever to the progress of the Burials Bill, and he did not believe there would be any to its going through Committee. The Burials Bill ought to have been returned to this House before now; and if it was to come back at all, it ought to come next week, at latest. The effect of the present arrangements might be that the Session might be protracted to a great length, or come to a sudden conclusion. If the intention of Her Majesty's Government in taking Supply *de die in diem* was to bring on the Appropriation Bill and end the Session he had no objection to offer, because he thought the time had arrived when Parliament ought not to be called on to do any more Business this Session; but if such was not the intention of the Government, he trusted the noble Earl the Secretary of State for Foreign Affairs would use his influence with his Colleagues in order that the Bills which were to come before their Lordships might reach them as soon as possible. He should be glad, also, if the noble Earl could state what Bills were really intended to be proceeded with.

EARL GRANVILLE said, he could quite sympathize with his noble Friend; but he thought it was not very convenient to have in their Lordships' House comments made on the course of Business in the other House of Parliament. It was natural that his noble Friend should make inquiries as to the prospects of

Bills which had to come up to their Lordships' House; but if his noble Friend turned to the report of the proceedings in the other House at all, he ought to read the whole of it, and not one-half. Had he read it in its entirety he would have found a statement made by the noble Marquess (the Marquess of Hartington) subsequent to that which he had referred to, in which he admitted that he had spoken rather hastily on the former occasion, and said that, in consequence of Bills having to be sent up to their Lordships' House, the Government could not go on with Supply *de die in diem*. He could assure his noble Friend that it was the wish of the Government to proceed as rapidly as they could with the legislation of the Session. His noble Friend asked him to use his influence with his Colleagues in the Government for that purpose. He was quite willing to do so, and he had done so already; but he could not help thinking that if his noble Friend would use his great influence with some of his Conservative Friends much might be done by some of them to facilitate the progress of Business in the House of Commons.

THE EARL OF SHAFTESBURY thought the appeal of the noble Earl (the Earl of Redesdale) was well worthy of consideration. Supply might be postponed, in order that the Burials Bill and the Hares and Rabbits Bill might be sent up. Their Lordships came down day after day, and there was nothing for them to do. He himself came down from a sense of duty, and, he must say, to assist in keeping up the appearance of an Assembly.

LORD STANLEY OF ALDERLEY pointed out that the House of Commons had been a great many days in Committee of Supply, notwithstanding that these important Bills were before the House waiting for progress to be made with them.

EARL GRANVILLE said, that as the second reading of the Employers' Liability Bill had been fixed for Tuesday, and there was nothing particular on the Paper for Monday, they might adjourn over till Tuesday, if his noble Friend (the Earl of Redesdale) thought well of that arrangement. He thought it extremely creditable to the noble Earl (the Earl of Shaftesbury) that he did show the good example of coming down each day to their Lordships' House. They

were not at present overburdened with Business in that House, and there were not many Peers in attendance; but, although their Lordships had no constituents, he thought that when important subjects should come before them it would be the duty of Peers to come up to town and discuss those subjects, even though it might be somewhat later than they were in the habit of being in attendance there.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, that what he complained of was that Bills should be delayed so long in the House of Commons, that they were brought before their Lordships at too late a period of the Session for their due consideration. He had no objection to the suggestion of the noble Earl as to the proposed adjournment over to Tuesday.

EARL GRANVILLE said, he was quite in the hands of the House as to that matter.

#### POST OFFICE (MONEY ORDERS) BILL.

(The Viscount Enfield.)

(NO. 197.) SECOND READING.

Order of the Day for the Second Reading, read.

VISCOUNT ENFIELD, in moving that the Bill be now read a second time, said, the object of the Bill was to facilitate transmission of small sums of money from one part of the United Kingdom to another through the Post Office at a cheaper rate and with less trouble and formality than was the case at present. Under the present system, a person must go or send to a Money Order Office, obtain the requisite form, filling it up with his own name and address, the amount he wished to send, the office at which the sum was payable, and the name of the person who was to receive the money. By the present Bill any one wishing to send an order for any one or more of the 10 amounts named in Clause 1 would be able to obtain it almost as easily as buying postage-stamps, or he might buy a book containing postal orders of any or all of the denominations he might desire, and retain such book, using the orders when he wanted them, without further visiting the post office. Under the existing system, the charge for a money order below 10s. was 2d.; for an order of 10s. and

up to £1, 3*d.* was charged. By the proposed change orders for 1*s.* and 1*s.* 6*d.* would be issued at a charge of  $\frac{1}{2}$ *d.*; for 2*s.* 6*d.*, 5*s.*, and 7*s.* 6*d.*, the charge would be 1*d.*; while for all remaining sums up to and including £1 the charge for each such order would be 2*d.* To show that a great public necessity would be met by this Bill, he might mention that during the past year rather more than 3,000,000 money orders of the exact amounts provided for in this measure had been actually issued. If, however, the public preferred the present system, none of the existing facilities would be withdrawn, and they could still employ the old forms for transmitting sums of money. When the scheme of postal orders was first prepared, it was referred by the late Government to a Committee presided over by a much-lamented friend of his, Mr. George Moore, of the firm of Copestake, Moore, and Co., and consisted of a gentleman from the Paymaster-General's Office, the Chief Cashier of the Bank of England, the Controller of the Post Office Savings Bank, the Postmaster of Hull, and the manager of the St. James's Branch of the London and Westminster Bank, and a Bill founded upon their recommendations was introduced by the late Government. The draft regulations under that Bill, and ordered by the House of Commons to be printed on the 1st of last March, provided for but four classes of notes—namely, 2*s.* 6*d.*, 5*s.*, 10*s.*, and 15*s.*; whereas the present measure provided for orders of 10 classes—namely, 1*s.*, 1*s.* 6*d.*, 2*s.* 6*d.*, 5*s.*, 7*s.* 6*d.*, 10*s.*, 12*s.* 6*d.*, 15*s.*, 17*s.* 6*d.*, and 20*s.* He asked their Lordships to give a second reading to this measure, which had been well considered by the other House of Parliament, and which promised to be of utility and advantage to the public.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Viscount Enfield.*)

LORD DENMAN was glad to see a Bill of this character passing this Parliament, for 3*s.* notes and 15*s.* notes were always preferred to silver in Prussia, and were always at par; and he heartily wished that it would be appreciated in every part of Her Majesty's Dominions. He thought that postage stamps were a most useful medium of exchange. He had been told that they were sometimes

stolen from letters, because the smell of gum enabled thieves to discover their presence; but stamps without gum might be distributed (unless they were prohibited as coin had been); they would still go by post, and always (when clean) would retain their value. He (Lord Denman) thought the charge of the entire fee on the renewal of these orders, every three months, might exact very heavy interest at the end of a year; and the Government, having the use of the money which purchased them, would be doubly and too great a gainer, if more than one charge were made for the renewal of the very small orders.

THE EARL OF CAMPERDOWN asked whether an order for 1*s.* 5*d.* would be charged the old rate or the new? An order for 1*s.* or 1*s.* 6*d.* would come under the new scheme.

VISCOUNT ENFIELD said, that, no doubt, an order for a sum between 1*s.* or 1*s.* 6*d.* would come under the existing arrangements.

*Motion agreed to*: Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

#### INDIA—THE PROVINCE OF BEHAR— THE JUDICIAL LANGUAGE.

##### QUESTION. OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in asking Her Majesty's Government to disallow, or, at least, to delay till further inquiry, the carrying out next year of an order of the Lieutenant Governor of Bengal enjoining the substitution of the Nagri character for the Persian character in the courts of justice in the Behar province, said, that a Petition of the zemindars and residents of the Province of Behar, very numerously signed by both Hindoos and Mussulmans, had been presented by Sir Ashley Eden, the Lieutenant Governor of Bengal, praying him not to carry out an order which was to take effect at the beginning of next year for the substitution of the Nagri character for the Persian character in the Courts of Justice in Behar. The Petition, which was very ably written, and which went at length into questions of philology and alphabets, admitted that the Tamil, Telegu, Mahrati, Guzrati, and Bengali languages and characters easily superseded the Persian language and character in Madras, Bombay, Guzrat, and Bengal respectively; but



they very much objected to the proposed imposition of the Nagri or Sanskrit character in the Courts of Justice of their Province, where the language generally spoken was Hindustani or Urdu. Their Lordships would readily understand the hardship that this measure, if carried out, would inflict upon all those who had to use writing for Petitions, when reminded that the Urdu language contained an immense quantity of Arabic words, which could not be rendered except in their own characters, and which, if rendered in the Nagri character, would lead to great confusion. It was not necessary to have resided in Behar to recognize this fact. He was astonished at the number of Arabic words which were given as commonly used by Bengal Hindoo peasants in a district much nearer to Calcutta in a book called *The City of Sunshine*. Behar was only 27 miles from Patna, and more than 200 from Calcutta. The Petition also denied that there was any Hindi language spoken in Behar, and said that the Hindi language to be found in the Prem Sagar was known—but not spoken—only by a handful of learned pundits. Their statements were entirely borne out by Mr. Cust, who said, in a recently published book on the languages of the East Indies, p. 46, that Mr. Hall, who was long the principal Sanskrit authority at Benares, denounced the Prem Sagar as a specimen of purism which never really existed. Mr. Cust gave copious tables of dialects; but he mentioned none in the Behar Province. He begged to ask the Question of which he had given Notice.

THE EARL OF NORTHBROOK explained that this was a matter which, under the Indian Civil Procedure Act, was left entirely to the Local Government. It was simply a question what characters in writing should be used in certain parts of the Province of Behar, and the change had been sanctioned by the Lieutenant Governor of Bengal after full consideration. In a matter of this kind it would not be convenient for their Lordships to interfere. He happened, however, to know something about the matter; and he thought that the change would be beneficial to the mass of the common people, who understood the Nagri better than the Persian characters, as it was to enable them, and not only the officers of the Courts, to understand

the proceedings which were going on in the Courts. It was, in his (the Earl of Northbrook's) opinion, a very proper change to make.

LORD STANLEY OF ALDERLEY asked, whether it would not be possible to allow both characters to be used in the Courts?

THE EARL OF NORTHBROOK said, he would lay on the Table the explanation of the Lieutenant Governor of Bengal upon the subject.

#### STATE OF IRELAND—THE LAND LEAGUE.

##### QUESTION. OBSERVATIONS.

LORD ORANMORE AND BROWNE, in rising to call attention to the Land League in Ireland, and to ask Her Majesty's Government, Whether they have taken legal opinion as to whether that combination is legal, and if so, whether they will lay a copy of the case laid before counsel, and his opinion, on the Table; and whether Her Majesty's Government consider that the present state of Ireland is one that requires no extraordinary remedy? said, he was sorry to trouble their Lordships again on the unfortunate state of the distressed country to which he belonged; but he believed that the case was a very serious one. He thought that while Parliament was sitting, and the House was not much occupied with Business, if he did not do much good he could not do much harm, in directing their Lordships' attention to the subject. He supposed that the answer to his Question with regard to the Land League would be formal. If the Government had taken the opinion of counsel he should be told it was private and could not be given to the House; and if they had not taken such opinion he would probably be told that the Government saw no necessity for doing so, and that they wanted to know what the Land League really was, and what were its views or proposals. He believed the Land League to be one of the most dangerous organizations that had existed amongst the many organizations for disturbance that had been of such constant recurrence in Ireland. What were the purposes for which its members were combined together? They were not concealed, but loudly proclaimed on every platform. The machinations of the Land League might be

learnt by perusing Mr. Bagnal's two pamphlets—*The Irish Agitation in Parliament and on the Platform*, and *Parnellism Unveiled on the Land and Labour Agitation*. In these every Irishman saw the master hand. He could not trouble the House with quotations; but Mr. Bagnal showed that, after the Fenian conspiracy was subdued in 1867, there was for some time an absence of agitation; but then the Land League arose, organized by persons who were imprisoned for their seditious conduct during the Fenian agitation. The League was dormant until a few years ago, when two active Members called attention to it through the Press of America. They united themselves with a body in America known as "The Labour Union," and also as one of the most Communistic associations in that country, and they worked in perfect union, spreading their principles by correspondence, and by means of a paper called *The Irish News*, which was largely imported into Ireland, and of which a copy was not to be obtained the day after its arrival. The feeling in Ireland against union with England was found to be not sufficient for the purpose of the agitators; and they therefore determined to appeal to the feeling which was inherent in human nature—the desire to acquire a neighbour's property. At any rate, this appeal, made to impulsive and ignorant people in times of distress, had, no doubt, taken great hold on the people of Ireland. They then began by saying that rents were exorbitant and must be reduced; but they now agitated for doing away with landlordism altogether, as an abominable imposition on the country. The Land League, in fact, represented the union of Fenianism and Ribbonism in a far more developed form than it had formerly taken. So far as Ireland was concerned, Mr. Parnell explained clearly and plainly the objects of this combination. He said—

"Six hundred thousand tenants are beginning to find out that they are more powerful than 10,000 landlords; and when we have claimed the land for the people of Ireland we shall have laid the foundation stone for our country to take her place among the nations of the earth."

No more clear declaration could be made that the land movement was made solely as a step to the disintegration of the Empire. The conspirators now found more educated leaders than they had before, men whose brain and not their

muscles were educated, professional agitators. They established the Land League. Its programme was not new institutions so much as the transfer of the land to the tenants. If the landlords would yield it without a struggle, they might possibly receive a small sum; if not, an ounce of lead. He was not about to discuss the Compensation for Disturbance (Ireland) Bill, which Her Majesty's Government had thought it expedient to introduce; but he wished to call attention to the reception that measure had met with from the Leaders of the Third Party in "another place." Mr. Parnell, who was, no doubt, the most able of the Party, and its prime mover, said the Bill was all very well, and would help forward his project, which was simply to get rid of the landlords by buying them out, which, no doubt, after the winter, could be bought cheap! Mr. Biggar went further, and said that if the tenants did not get what they wanted many other landlords would meet with the fate of Lord Leitrim! Mr. O'Donnell did not think that landlords ought to be got rid of all at once, but intimated that if they did not make the concessions which he thought they ought to make, he must join his party, the Land League, in urging stronger measures! In face of these declarations every outrage that occurred must be regarded, not as a case of exceptional or individual anger or revenge, or ill-feeling, but as an act instigated by a great and powerful agitation, more powerful at present than it ever was before, because education had advanced; a number of people had been educated to use their brains and not their muscles, and they had taken up agitation as a profession! Mr. Dillon was a very consistent speaker, and did not hesitate to express his opinions; and what he said at a recent meeting at Kildare had been much commented upon. He told the tenants not to pay any rents, except such as were convenient to them after they had provided for the support of their families, and not to pay any at all this year. There had this year been large reductions of rent, and having regard to that, and to the employment at higher wages than usual, and to the fact that seed had been supplied, and that out-door relief had been largely extended, he supposed the small tenants of Ireland were pretty nearly as well off now as they ever were, and if

they did not pay rents this year, or, at all events, a moderate share of them, they would not be inclined to pay anything next year. Mr. Dillon said that if the landlord was unreasonable the remedy was simple. The League were not satisfied with dealing with the landlord, but they must deal with the tenant too; and Mr. Dillon advised an organization by which notices were sent round to all the tenants that if they did not comply with the arrangements of the League, either by refusing to pay rents, or by declining to take farms from which other people had been evicted, it would be made disagreeable to them. He need not dwell upon the outrages that had occurred in consequence of that agitation. They had become so numerous, they were so cowardly, they had assumed such a savage character, against both man and beast, that from day to day every newspaper in the country was half full of them. For some time they were hushed up; but now it was impossible to hide them, and even the supporters of the Government were beginning to be heartily ashamed of the state of the country, and to think it a pity something was not done. The League was not a secret conspiracy, but a combination open and aboveboard; and Mr. Dillon recommended that the people should be drilled, armed, and taught the use of arms till they had an organization of 300,000 men, when they could set the power of England at defiance. It was said that the meetings were nothing more than effervescence; but almost immediately after every one of them outrages occurred, and it was idle, therefore, to pooh-pooh them. Comfortably seated in their Lordships' House, or moving about in an orderly place like London, it was easy to adopt that view; but it was not statesmanlike to pass over these things lightly; and to refrain from acting upon them was a line of policy of which any Government, whether Liberal or Conservative, should be ashamed. They were told that the landlords would not give the tenants a little time for the payment of the rents, and, of course, these outrages were the result. Let him call attention to the Kilbury case. That was a case of a large farm rented at £500 a-year in Tipperary. The landlord made a seizure, and the tenant and he were going to arrange the matter, and, in fact, had

agreed to terms. The Land League, however, came in, and made the tenant refuse these terms; and the result was that the landlord got a decree of eviction and evicted the tenant, leaving a number of people to hold possession of the house for some time. When the number of these watchers was reduced, a body of men with blackened faces came in and turned them out by force, and the Law Officers advised that the landlord required to get another decree for the purpose of recovering possession of the property. He was not a lawyer; but it seemed to him that that was rather a curious state of the law. It seemed that the object of the League was not to protect small tenants from exorbitant rents, but, by preventing the payment of rents altogether, to create as much disorder and lawlessness as they possibly could. The Chief Secretary to the Lord Lieutenant spoke of the language of Mr. Dillon as not only cowardly, but positively wicked. That, no doubt, was a very proper condemnation of such language, and the Irish landlords were very glad to hear it. Cowardice could not be punished by law; but if the speech was wicked, one would think that something should be done to punish it. That, however, was not the case at all. The Chief Secretary said that if they punished a man they made him a martyr, and, therefore, it was wise not to punish where there was no certainty of conviction. He failed to understand what the law was, for if it was not to punish crime, and if they were to abstain from punishing because they feared to make the criminals into martyrs, it would be impossible to hold society together. It might be difficult in Ireland to obtain convictions, owing to the state of feeling there; but, surely, that was no reason for letting a state of things go on which was dangerous to society, and he would urge on the Government the necessity of adopting a course from which they had hitherto shrunk. The reason was simple—namely, because they were afraid to face obstruction in Parliament and unpopularity out of it. He should like to ask the noble Earl (Earl Spencer), or any Member of the Government, what was the difference between the present state of Ireland and the condition in which it was in 1870, when the noble Earl was Lord Lieutenant, and the Government of the day came down to the House

of Parliament after a good deal of hesitation, and, having one Peace Preservation Act in existence, demanded and obtained more effectual powers. The effect of giving them those powers was almost immediate, and during the existence of the Act crime diminished to almost nothing, and life and property were safe. There was yet another element in this Land League. An emissary had come over from America to tell them his opinion of the situation, and he informed them that the titles of the Irish landlords were founded on confiscation, while the land titles of America were founded on the will of the people. They all knew that there had been lots of confiscations in Ireland; but they had been confiscations not of the property of the tenants, but of the landlords; and, unless in very exceptional cases, the holding of the land in Ireland in fee simple by the cultivators had never existed. But this gentleman, in speaking of the title of land in America, forgot that there was a race possessing that country in the same way as the Irish in former days possessed Ireland, as a migratory people, but that gradually they had been driven from pillar to post till they had been almost exterminated, and occasionally one read of military expeditions against them, in which the Armies of the United States were not always reported as acting very mercifully. Therefore, he thought the American gentleman would do better to mind his own affairs than to meddle in the troubled waters of Ireland. By allowing this combination to go on the more powerful it became. In February, 1879, Archbishop MacHale, who was not a man of extremely moderate views, came forward and denounced the Land League; and for a time the clergy, in a great measure, abstained from attending its meetings. He was sorry, however, to say that those meetings were now generally attended by the Roman Catholic clergy, whose language on those occasions was not more moderate than that of others who frequented them. Every day that the Government allowed this state of things to go forward it must get worse, for the clergy were driven by their position to connect themselves with the agitation; and tenants, if not in favour, became by force implicated in the acts and deeds of this Society. The Prime Minister said that the murder of a policeman at Manchester, and the blow-

ing up of Clerkenwell Prison, called the attention of England to Irish grievances. This saying was, to say the least, unfortunate; it led many gullible Irishmen to believe that the Prime Minister palliated crime. So it struck him at first; but since he had understood the inference better, and believed what Mr. Gladstone did mean to say was, that, through these crimes committed in Manchester and London, and through the reports of a contemplated blowing up of gas in some of the principal towns in Great Britain, Englishmen said—"Oh! we must buy off these people at any price;" and the Prime Minister, with his usual acumen, declared the English people did owe a heavy debt to Irishmen, and he determined to pay it, not out of public funds, but to mulct one class of Irishmen to pay another! Now, again, turbulence prevailed—better organized by stronger men, and so more dangerous than ever. The ends were not concealed—"Disintegration of the Empire; abolition of property." The last expounder of these views was Mr. Dillon—bred a conspirator. He was one no more, but was Mr. Parnell's first lieutenant in his journey through America, and in his past and coming campaign. It was said that history repeated itself. The daily catalogue of crime published in the Press told its own tale of the state of Ireland. When in Office before, as he had said, the present Ministers passed the Westmeath Act. That, while in force, checked crime. But, to pass it now, they must overcome obstruction. Well, perhaps the lives of the peaceable, the law-abiding, portion of the people of Ireland, who valued their connection with Great Britain, were of little value; but let not the people of this country forget the warning of the Manchester murder, the blowing up of Clerkenwell Prison; let them not forget that there were some 2,000,000 of Irish residing in their towns, organized Fenians; and if, as at present, misrule continued to reign in Ireland, it would not be confined to Ireland only. His Communist countrymen had, he feared, too many allies here. He presumed that some sudden and serious intelligence was the consequence of Mr. Forster's visit to Ireland; but the Communists were combining and organizing through the length and breadth of the land. He trusted that the Government,

having more information than he possessed as to the extent of the evil that existed, would not let it go too far or delay the taking of measures to remedy it. If they did, bad as was the present state of matters, crime, outrage, and lawlessness would from day to day increase, and, assuredly, order would not be restored with serious loss of life and property!

EARL SPENCER: My Lords, the noble Lord, towards the conclusion of his speech, referred to the visit of the Chief Secretary to the Lord Lieutenant in Dublin, and said he was sure there was some serious and sudden intelligence from Ireland, which required the presence of my right hon. Friend in Ireland. I can assure the noble Lord that, as far as my Colleagues in this House and myself, at all events, know, there exists no such reason whatever for the visit of my right hon. Friend. No serious or sudden event had occurred to our knowledge in Ireland to require my right hon. Friend's presence there. He only went to Dublin as he required to see some of the officials on ordinary business; and I think it right to say this, as otherwise undue importance might be given to the visit in question after what the noble Lord said on the subject. The noble Lord has asked Her Majesty's Government to give some information as to the Land League in Ireland; whether the Government have taken legal opinion as to whether the combination is legal; and, if so, whether they will lay a Copy of such opinion on the Table. Now, my Lords, I should like to point out that this Land League has not been created since Her Majesty's present Government took Office. It certainly was formed during the period when the noble Lord's Friends were in Office; and I have to say that, as far as the present Government are concerned, they have asked for no legal opinion as to that combination. I am not aware that the late Government took any such opinion; and, therefore, it is needless for me to say that if we had such an opinion it would be impossible to put it on the Table. But, as the noble Lord has made a statement of considerable length in reference to the Land League, I may say that Her Majesty's Government are not in any way responsible for, and do not in any way support, that institution. On the contrary, I have before expressed

in your Lordships' House the opinion Her Majesty's Government have as to the pernicious nature of what has been called the anti-rent agitation in Ireland—an agitation which, I imagine, has been greatly fostered and encouraged by the Land League to which the noble Lord refers. I am afraid that the existence of the Land League, and the agitation which has been exercising its influence during the last four years in Ireland, has had a most pernicious effect upon the population of that country. The speeches to which the noble Lord has referred have been delivered, to a great extent, for the purpose of carrying out the objects of that Land League. I certainly feel that the language used, if correctly—and I have no doubt that it has been generally correctly—reported, has been of an exceedingly dangerous kind, and that those who have used that language have done a very serious wrong to the people of Ireland by encouraging an excitable population to carry out their views. I feel very deeply upon this subject, as I believe that such proceedings are most dangerous to the peace of the country. Very strong language has been used on the subject of those speeches; and I am not going to say that they are, in any degree, other than they have been described. But I cannot quite agree with the view expressed by the noble Lord in reference to the speech delivered by Mr. Dillon, when he said that if it was cowardly and wicked it ought to be brought within the law. I am afraid there is a great deal of cowardice and wickedness in the country that cannot be met by the law; and I should like to point out what an exceedingly bad effect upon the administration of justice, and on the influence of the Government in the preservation of life and order, is produced by a prosecution which leads to no result in a country like Ireland. I would remind your Lordships of a prosecution instituted last autumn against three persons for using exceedingly violent language in the West of Ireland. It was instituted by the late Government, and attracted universal attention. I certainly at the time abstained from condemning, and deprecated a condemnation of the Government until we knew what evidence was to be brought forward in support of the prosecution; but when we find that the prosecution has been

entirely futile, and was not carried to any conclusion by the late Government, all I can say is that such a step does more harm than good in a country like Ireland. I will not say that there are not circumstances under which the Government ought not to hesitate to institute such prosecutions; but I think they ought to consider the cases with the greatest possible care, and I repeat that if they do not see their way to conducting the prosecutions to a successful result, having no doubt that the evidence ought to secure a conviction, I think it is far better that they should not institute such proceedings. I do not for a moment doubt that the condition of many parts of Ireland is at this moment exceedingly grave, and deserves the most careful and anxious attention of Her Majesty's Government. We have heard lately of several outrages which have been of a fatal and most desperate character, and no one deplures those outrages more than Her Majesty's Government; but I hardly think it can be said that since they came into Office any great increase has taken place in the number of those outrages. The noble Lord himself would hardly say that it was necessary to bring in special legislation in reference to the unfortunate outbreak of sectarian outrages in Ulster. There have been serious riots in Belfast, Dungannon, and other places in the North of Ireland; but the noble Lord would not say that we should resort to special legislation because of those unhappy occurrences. I do not know whether the noble Lord or the late Government wished us to introduce again the Party Processions Act; but, for myself, I think I have said before that I believe special legislation of that kind for Ireland has very little effect, and does more harm than good. The Common Law, I believe, is practically as strong as special legislation to meet such occurrences; and I confess, much as I deprecate the recurrence of those religious outrages, I am not at all prepared to recommend a return to special legislation with respect to them. In conclusion, I have only to add that all those meetings will be watched with the most careful attention by Her Majesty's Government. They are determined to protect life and property with all the means at their disposal, and will leave nothing untried to maintain peace and

order and justice with a firm and equal hand.

LORD ORANMORE AND BROWNE pointed out that he had opposed the repeal of the Party Processions Act; he believed that these processions should not be allowed! But the open-handed fights they led to, though highly discreditable, could with no justice be compared with the cowardly assassinations which were now of such frequent occurrence. He had not waited for the present Government's accession to power to ask for measures to repress crime; he had frequently called on the late Government to pass such measures. Both Parties seemed to accept crime and lawlessness as the normal state of Ireland, always excusing themselves for enforcing law, because at some period in the history of Ireland there had been a fractional number more murders than within the last month. Thus the Government abdicated their first duties of protecting life and property, and the people of Ireland became more and more demoralized.

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THE EARL OF CAMPERDOWN rose to call attention to a Petition of the British Indian Association praying for an inquiry into the system of administration which has been in force in India since 1858, in conformity with the periodical Parliamentary inquiries on each renewal of the Charter of the East India Company; and also praying for certain reforms and a representation of the Indian people in the Councils of the Empire. Under ordinary circumstances, he should have invited attention to the details of the Petition, as the subject was of a most important character; but recently the noble Marquess now the Secretary of State for India had made an important statement in the House of Commons, in the course of which he touched in detail on almost all the questions mentioned in the Petition. The noble Lord stated that decentralization and the increased employment of Natives were, in his opinion, about the only effectual means of promoting true economy. With regard to public works in India, he stated it as his opinion that, however useful they might be in themselves, they should not be carried out

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at such a rate as to outstrip the financial capacities of the country. With regard to the expenses of the Afghan War, the noble Lord made a statement which was most just, and could not fail to give great satisfaction to the Petitioners, for he said that the Imperial Government were prepared to bear a portion of the cost, and that they would do so as a matter not of charity, but of justice. As an individual, he received the statement with the liveliest gratification, for the Afghan War, whatever might be its results, was certainly not undertaken solely from an Indian point of view; and if the cost had been borne solely by the Indian Exchequer this country would have entailed upon itself everlasting disgrace. He could not for a moment believe that the taxpayers of this country would disapprove, in the slightest degree, of the proposals made by the Government. Another Member of the Government (Mr. Fawcett), whose interest was so well known in all subjects relating to India and whose services to India were so much appreciated, speaking as an individual, said that, in his opinion, the time had come when the Act of 1858 required to be thoroughly overhauled. The Secretary of State, in reply to an Indian deputation, had observed with regard to the Vernacular Press Act, and some elective representation of the Indian people on the Supreme and the Provincial Councils, and other subjects—speaking in a general way, and without binding himself or fettering his future discretion—that these important subjects were under his careful consideration; and the deputation felt that they might infer that the views of the noble Marquess were in harmony with their own. Under these circumstances, he thought he would be conferring no benefit on the Petitioners if he entered into details at the present time. He would therefore content himself with bringing the matter under the attention of the Government and moving that the Petition do lie upon the Table. It was drawn up in such a loyal spirit that it furnished a valuable indication of the wishes and desires of their fellow-subjects in India.

*Moved*, “That the Petition do now lie upon the Table.”—(*The Earl of Camperdown.*)

*Motion agreed to.*

*The Earl of Camperdown*

Petition for an inquiry into the system of administration which has been in force in India since 1858, in conformity with the periodical parliamentary inquiries on each renewal of the Charter of the East India Company; and also for certain reforms and a representation of the Indian people in the Councils of the Empire; of British Indian Association;

read, and ordered to lie on the Table.

House adjourned at half past Six o'clock,  
to Tuesday next, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Friday, 20th August, 1880.*

The House met at Two of the clock.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Irish (Relief of Distress) Loans Amendment \* [317]; Thames Steam Navigation Regulation \* [316].

*Committee—Report*—Hares and Rabbits [194-314].

*Considered as amended*—Elementary Education Provisional Order Confirmation (London) \* [281].

## QUESTIONS.

### AFGHANISTAN—BRITISH REPRESENTATIVE AT CABUL.

SIR HENRY TYLER asked the Secretary of State for India, Whether arrangements have been made with Abdhur-Rahman for the reception of the native Representative which Her Majesty's Government propose to maintain at Cabul, and what escort and protection will be afforded to him, so as to avoid the risk of a fresh massacre, and the expense of another advance upon Cabul to avenge it?

THE MARQUESS OF HARTINGTON: Sir, we have not received any information as yet as to the arrangements which have been made for the reception of a Native Representative at Cabul. The details of the arrangements which have been made with Abdurrahman have not yet been received; but, so far as I can gather from the reports that have reached us, it is not proposed that a regular Representative of this country

should be appointed there on the present occasion. As soon as any information on the subject reaches me I shall be happy to communicate it to the House.

#### THE EVIDENCE ACTS—OATHS AND AFFIRMATIONS.

MR. BRADLAUGH asked Mr. Attorney General, Whether, in view of "The Evidence Further Amendment Act, 1869," and the case of *re Woolrych ex parte Lennard*, it is not the duty of a magistrate to allow any person tendered as witness who shall refuse to take an oath, and who shall state as his reason for such refusal that he has no religious belief, to give evidence, on making the solemn affirmation or declaration provided by the statute?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, that, although this Question was put in an abstract form, it appeared to him to be intended as a repetition in substance of the two Questions which he and the right hon. and learned Gentleman the Secretary of State for the Home Department had refused to answer on the ground that they had no authority to interfere with the course of the administration of justice by magistrates. As far as his individual opinion was concerned, he believed that, according to the proper construction of the Evidence Further Amendment Act, 1869, any person appearing as a witness, and who stated that he had no religious belief, was entitled to make an affirmation.

#### THE BURIALS BILL—TOLLING BELLS AT FUNERALS.

SIR EARDLEY WILMOT asked the Judge Advocate General, If a right will be conferred by the Burials Bill, in cases where the interment takes place without the Burial Service of the Church of England, to have the bell tolled before or at the time of the burial, the belfry having been decided by the case of the Vicar and Churchwardens of Warborough to belong to the incumbent, and the ringing of the bell at funerals being ordered by the 67th Ecclesiastical Canon?

MR. OSBORNE MORGAN, in reply, said, that the bell belonged to the church fabric and not to the churchyard. The Burials Bill dealt solely with the church-

yard; and it therefore did not appear to him to confer any rights as to the tolling of the bell.

#### AFGHANISTAN (MILITARY OPERATIONS)—REPORTED ATTACK ON CANDAHAR.

SIR WALTER B. BARTTELOT: I wish to ask the noble Lord the present Leader of the House, Whether he has received any news from Afghanistan, and especially from Candahar, confirming the account which has appeared in the newspapers this morning of an attack by Ayoo Khan on the Shikarpur Gate of Candahar?

THE MARQUESS OF HARTINGTON: No, Sir. No confirmation of that intelligence has been received by us.

#### ORDER OF THE DAY.

#### HARES AND RABBITS BILL—[BILL 194.]

(*Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.*)

COMMITTEE. [*Progress 19th August.*]

Bill considered in Committee.

(In the Committee.)

Clause 1 (Occupier of land to have concurrent right to kill ground game with any other person entitled to kill the same on land in his occupation).

LORD RANDOLPH CHURCHILL begged to move, in the absence of the hon. Member for Mid Lincolnshire (Mr. E. Stanhope), the next Amendment on the Paper.

Amendment proposed,

At end of Clause to add "Provided always, That the name of any agent, so appointed as aforesaid, shall, within fourteen days after such appointment, be communicated in writing to the other person who may, concurrently with such occupier, be entitled to kill and take ground game on the said land."—(*Lord Randolph Churchill.*)

SIR WILLIAM HARCOURT said, he hoped that the Amendment would not be pressed. It contained a proposition which had been thoroughly discussed and disposed of at the former stage of the Bill.

Amendment, by leave, *withdrawn*.

LORD ELOHO said, that he had an Amendment on the Paper which he did not intend to move. Hon. Gentlemen opposite had stated that the Members on that side were only obstructing the passage of that Bill through the House. That he entirely denied. They were only doing their duty; for no matter up to what period, by the tyranny of the Government—and he used the word advisedly—they were obliged to sit, their duty was to sacrifice their own private convenience and amusement, and sit there to take care that the measures brought in by the Government were fairly and properly discussed, not obstructed. He dared hon. Gentlemen opposite to say that their conduct was anything like what was commonly called Obstruction. Nothing that was said would hinder him from expressing his views as fully and clearly as he could on any point that arose in the discussion of that Bill. If he were inclined to be obstructive, he had Amendments on the Notice Paper which, if fully debated, would keep that Committee sitting he did not know how long. But that was not his wish or object, that being merely to show what might be done with the Bill, and how that Bill, which he had more than once characterized as a sham, as necessarily effecting the destruction of hares and rabbits, could be made a really effective measure. The Amendments which stood in his name on the Paper, he asserted, would have that effect; they were *bond fide* in the interests of the tenant, and contained the principle of compensation. That principle had been applied to Scotland, and worked well there. He had taken the liberty of introducing that principle into the Bill. It was the Government Bill he had taken as a foundation, and grafted on it the principle of compensation. He would venture to say that no jury of 12 honest men, looking at the comparative values as regarded the tenant, but would say that his was the most straightforward and effective measure. Having said that much, he did not suppose the Government would change the character of their Bill from an anti-farmer humiliation to that of a pro-farmer protection Bill. He would merely add that, in doing what he had, he did not actuated by motives of Obstruction, and he was not afraid to go before the public with the assertion that his Bill was the better of the two.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."—(*Sir William Harcourt.*)

MR. BRAND wished to ask one question. He was anxious not to obstruct, but, if possible, to improve the Bill. It was upon a point of some importance—namely, the enforcement of a due observance of the limitations contained in the Bill. As he understood it, the right hon. and learned Gentleman the Home Secretary proposed to repeal the 12th section of the Act 1 & 2 Will. IV., in so far as it was inconsistent with the terms of that Bill. Under that Act, an occupier was, in some cases, liable to a penalty for taking and killing ground game; but there were also limitations under that Bill, which the tenant must observe, if he wished to kill or pursue ground game; and he therefore presumed that if he offended against those limitations, he was liable, at any rate, for a misdemeanour. He wished to ask, supposing that the landlord said to the tenant—"You may exercise your right in any way you please," would it be possible for a third party—for instance, an enthusiastic fox-hunter, or some person who thought the trapping of game cruelty—to prosecute the tenant for an offence against the Act? That was rather an important point; and he wished, if possible, to prevent any injustice of that kind happening. He did not see how it was possible to prevent any other person from prosecuting the tenant, if the Bill was carried in its present shape. It would not be right to say that the tenant was in the same position as heretofore, because of the limitation in the Bill. He proposed, therefore, to add these words to the clause, and he hoped that the right hon. and learned Gentleman would agree to accept them—

"Provided always, That nothing in this clause contained shall be construed to limit or restrict in any way the rights and privileges that the occupier may enjoy of taking or killing game, whether by agreement or otherwise."

THE CHAIRMAN: I must point out to the hon. Gentleman that that should take the form of a new clause.

MR. BRAND said, he should be happy to move it in that form.

SIR WILLIAM HARCOURT said, that, as he understood the point of his hon. Friend the Member for Stroud (Mr. Brand), it appeared that if a tenant had a

larger right than that given him by law in the 1st clause, he might still be subject to proceedings for violating that limitation. He would not then be within the scope of the clause. An occupier otherwise entitled would not get a statutory right as against the landlord, but a licence from the landlord; and, consequently, he would be entirely under that licence. It would be seen that Clause 1 gave a statutory right. He believed that the whole point of his hon. Friend would be met by an Amendment he (Sir William Harcourt) had put on page 536. That Amendment was to add these words—

“Save, as aforesaid, the occupier may exercise any other or more extensive right which he may possess, in respect of ground game or other game, in the same manner, and to the same extent, as if this Act had not passed.”

Question put, and *agreed to*.

Clause 2 (Occupier entitled to kill ground game on land in his occupation not to divest himself wholly of such right).

SIR JOHN HAY said, the Amendment that he was about to offer to the Committee was an important one. There were, in fact, two Amendments which he would venture to discuss at the same time. The proposal was that the owner of the land should be the only person to whom the occupier might be entitled to let the ground game. With regard to the part of Scotland with which he was best acquainted, leases were for 19 years in an agricultural tenancy, and from five to 10 years in a shooting tenancy. Those two arrangements were not affected by the operation of the Bill. So far as he knew, the only person against whom complaint had been made was the shooting tenant; he had never heard of a dispute as regarded the owners themselves. It was quite right that the tenant and landlord should be restrained with regard to second leases, where, by a shooting tenancy, the rent was double; but he thought it unjust that an arrangement should be made with regard to keeping down ground game in which the owner himself was to be entirely excluded. The practice was for an owner to have trappers on the estate, and for rabbits to be kept down by that means; and they were often kept down more than the tenants approved of. He recollected an instance. A proprietor found rabbits on his estate in consider-

able numbers; and as they created a bad feeling between landlord and tenant, he determined to destroy them, and 33,000 were accordingly destroyed. At the next rent-audit one of the tenants waited for the agent at the door, and, when asked what he wanted, said, “Compensation for the rabbits.” He had been in the habit of receiving £19 or £20 a-year for them, and he said “that it was a bad thing for him when they were ordered to be destroyed.” He knew that his hon. Friend the Member for Cambridge was aware that that took place. On an estate with which he was himself connected, the shooting right had been let, and the tenants had complained that the shooting tenant had destroyed too many rabbits. He was confident that the arrangements between landlords and tenants were satisfactory; but the difficulty arose when there were shooting tenants. He thought it quite right, both in the interest of landlord and tenant, that the shooting tenant should be restrained as regarded ground game; but the owner himself ought to be able to make some arrangement by law where there were long leases. There was another point to which he wished to call the attention of the Committee. If the landlord had the power of shooting rabbits as well as the tenant, how were the persons employed by both parties to be prevented from coming into collision when on the same ground? Rabbits were sold at 1s. to 1s. 2d. a-piece, and where there were a considerable number, the selling of them was regarded as a profitable matter. It must be remembered that rabbits were not only an article of food for the population; but their coats supplied an article for ladies to wear, which was known, he believed, as English miniver. How were they to prevent the two sets of *employés* on the same ground from coming into collision? He would not trouble the Committee with remarks upon the second Amendment; but he should take the division upon that one.

Amendment proposed, in page 1, line 20, after “right” to insert “except to the owner of such land.”—(*Sir John Hay*.)

Question proposed, “That those words be there inserted.”

SIR WILLIAM HARCOURT said, the Amendment was opposed to the

principle of the Bill. The Bill protected the tenant from pressure, brought by the landlord to let the game. The right hon. and gallant Member (Sir John Hay) proposed that the landlord should be the only person to whom the tenant might let it. That would only make the pressure still greater. An hon. Member, on the previous day, proposed the converse of that proposition—namely, that the owner should be the only person to whom it should not be let. The landlord, having got the game, would let to a third party, and so the object would be defeated. He could not agree with what had fallen from the right hon. and gallant Member; and having regard to the whole scope of the Bill, which was to prevent landlords interfering with tenants in that way, he must decline to accept the Amendment.

Mr. BERESFORD HOPE said, he was very much obliged indeed to his right hon. and learned Friend for a clearer explanation. A frank confession washed away many sins, and the right hon. and learned Home Secretary had then made a very full confession. He had just told the Committee that the whole scope and object of the Bill was to prevent the tenant from letting the ground game to his landlord. He (Mr. Beresford Hope) accepted that, for he believed that his right hon. and learned Friend was incapable of making any statement which was not the truth, the whole truth, and nothing but the truth. He (Mr. Beresford Hope) looked at the Preamble, and, instead of what the right hon. and learned Home Secretary led him to expect, he found those words—

"Whereas it is expedient in the interests of good husbandry and for the better security for the capital and labour invested by the occupiers of land in the cultivation of the soil, that further provision should be made to enable such occupiers to protect their crops from injury."

Not one single word about the whole scope and object of the Bill, as they had then heard from the Government what it was. If the Government wished that Bill to pass with unanimity on both sides he could tell them how to do it; and if they accepted his advice he would never go into the Lobby again against them on the Bill, while he could assure them that the number of hon. Members who had hitherto done so would be considerably reduced. His advice was to insert in the Preamble, instead of the

words which they had got there, owing to the blundering of the draftsman, the statement which would give effect to what his right hon. and learned Friend had stated to be the whole scope and object of the Bill, namely—

"That it is expedient, in case of all farms let to any tenant, the occupier shall be prevented from letting the ground game to the landlord, but shall be empowered to let it to any man, woman, or child in the world other than the said landlord."

If that were done, he would venture to say that that Bill would run through like—modesty prevented him from saying what.

Mr. NEWDEGATE said, that he wished to disembarass his right hon. and gallant Friend (Sir John Hay) from a difficulty under which he at present lay. He so far agreed with the right hon. and learned Gentleman in charge of the Bill, with regard to its principle, as to admit that there were circumstances connected with the letting of land which rendered it necessary that the tenant should only let the right to the ground game to the landlord under special conditions. But he was sorry that he was unable to agree with the right hon. and gallant Gentleman as to the effect of his Amendment; and, therefore, he hoped it would not be pressed. He could not concur with his right hon. and gallant Friend that the object which he had in view would be obtained by the acceptance of that Amendment.

LORD ELOHO said, he would suggest to his right hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) that, as the Preamble had been postponed, he should bring up his modification of it at the close of their proceedings. He wished to point out to the right hon. and learned Gentleman the Home Secretary that the arguments which had been used in the year 1871 were totally different from those employed in the year 1880. He could not understand that discrepancy. He would merely add that if his right hon. and gallant Friend (Sir John Hay) intended to go to a division upon the Amendment he should vote with him, if only in the interest of that principle for which he had struggled—namely, freedom of contract between owner and occupier.

SIR WILLIAM HARCOURT hoped that the right hon. and gallant Gentle-

*Sir William Harcourt*

man (Sir John Hay) would not trouble the Committee with a division. He thought the question had been fairly discussed, and he hoped he would not press his Amendment.

SIR JOHN HAY said, he certainly intended to take a division upon it; in fact, he had pledged himself to his constituents to do so, and he believed he had been returned to that House in consequence of it.

Question put.

The Committee *divided*:—Ayes 32; Noes 118: Majority 86.—(Div. List, No. 129.)

SIR HERBERT MAXWELL said, he should ask the right hon. and learned Gentleman in charge of the Bill not to regard the Amendment he was about to move in an objectionable light. On the previous day he had gone several times into the same Lobby as the Government, and he did feel bound to press the present Amendment to a division. His object was to enable the tenant, by a separate written contract, terminable at short notice, to do that which, under that Bill, he would be able to do by word of mouth. Nothing in that Bill, so far as he could see, was penal, and there was nothing to prevent any agreement being made by word of mouth between the landlord and the tenant. He would ask the right hon. and learned Gentleman whether that was consistent with the statement that that was a real measure? When the right hon. and learned Gentleman introduced the Bill, he said that the Government had resolved that whatever it might be it should not be a sham Bill. He (Sir Herbert Maxwell) contended that it was a sham Bill; because, although it stated on the face of it that it was impossible for any agreement to be come to between landlord and tenant, it had been shown over and over again that it could be defeated at every turn. But he would ask the right hon. and learned Gentleman to regard the Amendment in the light of one which stood in his name further down the Notice Paper. He thought that, bearing in mind the fact that 19 years' leases exist, no measure dealing with the matter would meet the grievances, or be acceptable to the farmer, or be of any use, unless it was made applicable to existing leases. Rather than have a Bill that was not applicable to existing leases, and which

confirmed the right to the ground game in the tenant, and did not enable them to provide for that by a written contract, the tenant farmers of Scotland would, he believed, have a Bill which should give them the free disposal of the ground game, and one that was applicable to those leases. They had already in Scotland Mr. M'Lagan's Act; and he thought that that Act, excellent as it was when it left that House, contained three or four defects, the principal one of which was that it did not apply to existing leases. The consequence was that nine-tenths of the farmers were not even aware of its provisions or that it existed. No stipulation under leases dealing with the subject was effective unless the attention of the tenant were drawn to it. He had repeatedly been told by tenant farmers that they had made a mistake in entering the farm; and if their attention had been specially drawn to the game clauses, as would be provided by his Amendment, in the shape of a separate and written contract, they would have looked sharper after their interests. Many tenant farmers never read their own leases at all. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) had stated, during the discussion, that those tenant farmers were weak and helpless. He (Sir Herbert Maxwell) supposed he must accept that; but he thought, judging from his own experience, that they were anything but that. They were well able to look after themselves, provided their attention was called to the facts of the case. There was another point to which he wished to draw the attention of the right hon. and learned Gentleman the Home Secretary. He proposed to make that agreement terminable at short notice—say, six months. He had thought that a convenient period; but he was quite willing to say three months, or any other period that might recommend itself to those who were favourable to the Bill. His object was this—that when a farm was let for a 19 years' lease a stipulation might be inserted allowing for the possible amount of damage that would be done by game. In many cases the game increased during the lease, and, by the arrangement he suggested, the tenant would be guarded against loss. He thought that a farmer might safely be allowed to dispose of his privilege, provided it were done by a separate

written contract terminable at short notice. As one effect of the value of his proposal, he would give an instance which came under his own notice last year. On a certain estate under trustees, a farmer got into difficulties, which was not an uncommon event during last year. Had the estate not been under trustees, he would have gone to the landlord and asked for a reduction of rent and got it. But the trustees did not possess those powers. At any rate, in that particular instance, a reduction was refused. What did the farmer do? He had invested money in the soil and lost all; but he was able to let his farm at the full agricultural rent to a gentleman from London—a well-known hunter—as a game preserve. He would not have been able to do that under the present Bill; and, therefore, they were going to deprive the farmer of a distinct advantage. He would not detain the Committee longer: but he believed he had pointed out the means by which that Bill, instead of being a sham, might become an effectual measure, and how it might be made a measure of real service, instead of being, as it stood, a punishment to landlords. He begged to move the Amendment which stood in his name.

Amendment proposed,

In page 1, line 20, to leave out all after "right," and insert "by any clause or covenant in an agricultural lease."—(*Sir Herbert Maxwell.*)

Question proposed, "That those words be there inserted."

**SIR WILLIAM HARCOURT** said, the proposition of the hon. Member (*Sir Herbert Maxwell*) was not a new one to him, for it was taken from a Bill in which he had some family interest. He meant the Bill which was backed by the hon. Member for West Essex (*Sir Henry Selwin-Ibbetson*), and Oxfordshire (*Mr. Harcourt*). As they had abandoned their infant, it was now proposed to engraft it upon this Bill in this Amendment, although that proposal was absolutely adverse to the whole principle of the Bill. He would not reply to his right hon. Friend the Member for Cambridge University (*Mr. Beresford Hope*), because he was always so pleased to listen to him that he was not anxious to answer him. The evil of the Amendment was that pressure might be put on tenants to let their game to landlords, and that then the landlords, having got the game,

might keep up such a head as would damage the crops. This proposal simply added a sheet of note paper to existing leases. Exactly the same influences which induced the tenant to give up his game under the present leases would also induce him to sign a sheet of note-paper, undertaking to comply with the rule contained in this proposed alteration. The Amendment would make the Bill of no use whatever, would prevent it from providing any remedy, and it would, in fact, be legislation of the cruellest character to adopt it.

**EARL PERCY** said, the right hon. and learned Gentleman appeared to have but one idea in his head, and one object in view. He was, at any rate, perfectly unable to take in any argument used in favour of any other objects than those for which he was working, though those Amendments aimed at guarding against injuries which very certainly would result from this legislation. The hon. Member who had just made this Motion (*Sir Herbert Maxwell*) had pointed out a particular grievance under which the farmer would suffer if that Bill was passed. This grievance, and others cognate to it, had been pointed out during the discussion; but the right hon. and learned Gentleman insisted on meeting all these objections by merely repeating, over and over again, that they would defeat the whole principle of the Bill. He wished to know from the right hon. and learned Gentleman whether he really did regard the grievance of a farmer who could not receive, under the present law, compensation for the damage which was done to his land by over-preservation of game? How was he going to meet the case of such a farmer who was willing to part with the right he had to kill game for a remunerative recompense, and who, by this Bill, would suffer a serious harm. The right hon. and learned Gentleman, with some confused idea of simile, had talked of engrafting an infant upon this Bill; but he (*Earl Percy*) supposed that it would be useless to press him to accept any of these alterations. As to the proposal that the Bill should extend to existing leases, that would be another grave breach of the ordinary principle of legislation; for it was a fundamental rule with all Governments that measures should not be brought in interfering with contracts already ready and they had made

*Sir Herbert Maxwell*

one breach in principle, for mercy's sake he (Earl Percy) hoped they would make no more. His hon. Friend (Sir Herbert Maxwell) said that farmers did not read their leases, and did not know the conditions in them, to which he (Earl Percy) would reply that it was not the province of that House to pass measures to help farmers who would not take ordinary precautions to defend themselves.

LORD ELCHO said, if the hon. Baronet (Sir Herbert Maxwell) went to a division he should vote with him; and his only object in rising was to call attention to the speech of his right hon. and learned Friend opposite, because it showed to what arguments men were driven when they lapsed from sound principles of legislative virtue. He did not know whether "pitiful" was a Parliamentary expression or not; but he did not think there was anything un-Parliamentary in calling arguments pitiful. Certainly nothing could be more pitiful than the arguments by which his hon. Friends the Members for Wigtownshire (Sir Herbert Maxwell) and Cambridgeshire (Mr. Rodwell) endeavoured to support this Amendment. At one time they said that farmers were imbecile; at another that they were helpless and weak; and the hon. Member for Wigtownshire had told them that farmers signed leases for 19 years and did not know what they signed. Farmers in his hon. Friend's county might be such benighted individuals; but, for his own county, he (Lord Elcho) should be very much surprised if any tenant there signed any lease without going over it very carefully, and with his lawyer to help him. It was pitiful to have such an argument brought up in favour of such an Amendment, that the farmers of Scotland had not common sense enough to read the agreements they signed. In the name of Scotch farmers he repudiated these arguments. He should, however, support the Amendment, because it was in the direction of what he had so long been struggling for—namely, freedom of contract.

MR. RODWELL said, he was extremely glad that the perilous position of agriculturists was not confined to England, but extended to Scotland also, and that Scotch farmers were just as powerless as English ones in dealing with their landlords on this question of game. He was also glad that the noble Lord (Lord Elcho) had taken someone

else to task besides himself (Mr. Rodwell) on this question. He supposed, however, they would each, after all, retain their own opinions. He could not consistently vote for this Amendment, because, as he understood it, it proposed that the farmer should be asked to give up certain rights merely by signing something written on a sheet of note paper. But, if that Bill were passed, the same influences and the same agencies which were brought to bear to induce the farmer to sign a lease, giving up his right to the game, would be put in force to induce him to sign the agreement now proposed. He could see no distinction between the two cases, and he should be guilty of inconsistency if he voted for the Amendment. He did think that those who were opposing this Bill were troubling themselves with a great many imaginary fears. He said days and also weeks ago that he believed the Bill would have very little effect. Where there was no hardship existing from game, or where the tenants and landlords were upon friendly terms, he believed—and he was confirmed in that opinion by many other persons with whom he had conversed since the Bill had been in progress—that the tenants would not avail themselves of its powers, if their landlords did not persecute them with too much ground game. He believed most conscientiously that the Bill, in one respect, would be a dead letter. He did not mean by that that it would be useless. It would be a dead letter because it would not interfere with the relation between landlord and tenant; but it would be most powerful and useful as a rod to keep in order, and within certain bounds, those who otherwise would transgress those bounds. Those were his views, and he did heartily wish that he could persuade those who had so many Amendments on the Paper to accept them. He did not wish, instead of going on voting on Amendments which all, more or less, struck at the principle of the Bill, that they would accept the measure, and put faith and confidence in their tenants. The very worst policy that landlords could pursue was to attribute those petty feelings to the tenants which he had heard attributed to them time after time in that House. For his part, he thought hon. Gentleman would do much wiser to accept the Bill, believing that their tenants would



deal fairly with them. With regard to all those Amendments, what on earth was there to prevent a landlord and a tenant, who understood each other and had confidence in each other, coming to a satisfactory agreement about the game? The tenant would say to his landlord—"To the present we have done very well. You have not overweighted me with ground game, and I shall, therefore, not put the Act into force." That fair and honourable understanding would be far more efficacious than any results which would ensue from the operation of the Bill. He had always looked on this question from that point of view. He believed he was consistent in doing so, and with those feelings he would almost venture to ask the hon. Baronet (Sir Herbert Maxwell) not to give the noble Lord the Member for Haddingtonshire (Lord Elcho) the opportunity of voting with him.

SIR STAFFORD NORTHCOTE said, if there were any chance that this Amendment would receive the acquiescence of the Committee, or any of considerable number of Members in the Committee, he should certainly be prepared to support the hon. Baronet (Sir Herbert Maxwell) in dividing upon it; but after the experience they had had in the discussion on the previous parts of the Bill, and after the discussion that had been taken upon what seemed to him to be the most reasonable proposition of his right hon. Friend the Member for North Hants (Mr. Selater-Booth) last night, and after the division they had taken, he thought it must be tolerably obvious that the result of another division would simply be a repetition of the same decision as that which had already been arrived at. The right hon. and learned Gentleman the Home Secretary had told them that he had already resisted personal and official pressure to accept this Amendment. He had hoped that the right hon. and learned Gentleman was going to tell them that he should imitate the example of Amphion, of whom it was recorded that he gave way to his brother's views—*Fraternis cessasse putatur moribus*; but that did not appear to have commended itself to him, and he was afraid, therefore, that there was very little chance that they would be able to do any more towards impressing him in its favour. He must say he thought the proposition

of his hon. Friend was not open to all the objections made. In itself it was a very rational and reasonable proposition. It was far better, in his opinion, for the tenant farmers of the country that they should be taught, to some extent, to rely upon themselves and upon their own examination of the contracts submitted to them than that they should be treated by the country as such children that Parliament must take the matter out of their hands. He did not think that was the way to cultivate a proper spirit of independence. The Committee, however, had decided otherwise for the present; and it would only be a waste of time to keep on dividing again and again upon a point which really involved the same principle as that which had already been decided. Therefore, he would appeal to his hon. Friend not to divide, not because he (Sir Stafford Northcote) dissented from the proposition that he made, but simply because he did not think a division would be any use.

MR. GREGORY said, he wished to support the appeal made by the right hon. Baronet the Member for North Devon (Sir Stafford Northcote). He was afraid these Amendments were really contrary to the principle of the Bill as adopted and acted upon by the promoters of it. That principle was to treat the farmer as a child who must be protected from the undue influence of his landlord. As that view had been adopted by the Committee, and they had been beaten on division after division in opposing it, it was useless to contest the principle again.

SIR JOHN HAY said, his hon. Friend (Sir Herbert Maxwell) had represented him in that House, and for that reason he certainly should ask him to go to a division, and if he did he would support him. The convenience of the Committee ought, of course, to be consulted; but the hon. Member must also remember the convenience of the persons he represented. He did not think a large division was always necessary to confirm a principle which they might think it necessary to defend. Speaking, therefore, with great deference, he begged to differ from the right hon. Gentleman the Leader of the Opposition (Sir Stafford Northcote), and to say that although taking a division might delay the Committee a few minutes, it was often desirable, because it had so much more effect

than merely negating a Resolution. His hon. Friend (Sir Herbert Maxwell) had very fairly and excellently stated the effect of his Amendment. Though he (Sir John Hay) did not quite agree with him that the tenant farmers of Scotland did not read their leases, he could understand, in the great estate his hon. Friend owned, where from generation to generation the tenants had remained on the estate without change, that there they trusted to the interest and to the honourable understanding which was already existing. Elsewhere, however, he believed that Scotch farmers were quite intelligent enough to study leases; and if they did think it worth while to take a farm, he was sure that they did study the leases very closely, and they would do so still more after this Bill became law. He was afraid, if this measure did pass, that the intimate understanding which at present existed between his hon. Friend and his tenantry would not continue to exist. In some places, of course, it must be expected that tenants would take advantage of the Bill, and on an estate of 13,000 or 14,000 acres it must be remembered that there must be occasional vacancies, merely from the death of the tenants. The trustees often carried on the estate for many years to get what they could out of the land for the trust; and, where that was so, they could not expect the same feeling to exist as existed between the landlord and the old tenant. If the Act were put into force in this instance that would be enough to destroy this good feeling.

LORD ELCHO said, his right hon. and gallant Friend (Sir John Hay), and his hon. Friend behind him (Sir Herbert Maxwell), talking of the different position of people who were trustees, forgot that, by the Scotch law, if, after a tenant had entered on a farm the game was unduly increased, he had a remedy. That was at the Common Law, independently of the law passed by Mr. McLagan two years ago. He confessed that he could not accept the view which had been advocated by his hon. and learned Friend the Member for Cambridgeshire (Mr. Rodwell). That hon. and learned Gentleman wished them to open their mouths and shut their eyes and see what the right hon. and learned Gentleman the Secretary of State for the Home Department would put down their throats. Whatever it was they were

to take that dose of medicine in the same cheerful way in which he (Mr. Rodwell) was inclined to swallow it. Evidently the guide of his hon. and learned Friend was expediency; but he (Lord Elcho) and some of his hon. Friends endeavoured in all these matters to act upon principle, and to resist, wherever they met it, what they believed to be the vicious principle in that Bill. They would stand fast wherever they found standing ground on behalf of the views they supported. The Conservative Leader had advised hon. Members opposed to the Bill not to divide, because one division had settled the whole question. He disputed altogether that that was the proper action of a minority fighting for a principle in that House. If it were, what number was to settle whether they were to fight or not? He did not care whether he was in a minority of 100, or of 10, when he was fighting for a principle; for the time might always come when wiser views would prevail, when sanity would return, and a minority of 10 might become a very large majority. Certainly, the question of freedom of contract was decided upon an Amendment of his (Lord Elcho's), which raised the point in an earlier part of the Bill in the broadest form. It had cropped up since more than once, but always in a different manner. There was one form of it still before them, and another which would shortly be presented by his hon. Friend (Mr. Chaplin); and he trusted when that was proposed his hon. Friend would stand to his guns, and he (Lord Elcho) thought, if he knew his disposition, that he would. He wished to point out also to the Leader of the Conservative Party that they ought not to be afraid of divisions. They had been too afraid of divisions in the past; but he (Lord Elcho) hoped that a different course would be taken in the future, and that on the third reading the matter would be fought fairly and well.

SIR HERBERT MAXWELL said, after the advice given to him by his right hon. Friend (Sir Stafford Northcote) he should not divide; but he could not regret that he had put upon record his entire objection to this feature of the Bill. He had had no desire to enter upon a second reading discussion; but after what had been talked of that afternoon, he felt it necessary to say,

something in his opening speech about principle. His right hon. and gallant Friend below him (Sir John Hay) was mistaken as to what he (Sir Herbert Maxwell) had said about the farmers of Scotland. He did not refer to the case of a farm under trust, but to one where the estate was being managed by trustees. Also he did not say it was the increase of game from which the tenants were suffering, but the bad harvest which had affected them all in common. The tenant, he had said, was unable to make both ends meet in that case except by letting the game for full value.

Amendment, by leave, *withdrawn*.

MR. CHAPLIN said, it was a misfortune that whenever they moved an Amendment they were constantly told it was aimed at the principle of the Bill. He did hope that at last he had succeeded in discovering an Amendment which was not only not opposed to the principle of the Bill, but was entirely in consort with it, and one also which had recently found great favour with Her Majesty's Government themselves. That was a reason which could not fail to commend his proposal to the Committee. The Government, only a short time ago, in their principal measure of that Session, in regard to a much more serious matter than the one now before the Committee—namely, the question of rent itself—had laid down that the offer of a reasonable alternative by the landlord might very justly and properly stop the operation of their Bill. Under those circumstances, it was surely not unreasonable on his part to propose, and the Government could not, without great inconsistency, resist, the proposition that in that question of ground game the offer of a reasonable alternative should act as a bar to the operation of that measure. He proposed this Amendment further in what he conceived to be the direct interests of the tenant farmer. As he had already observed, it appeared to him in no way whatever inconsistent with the principle of the Bill, because that principle was to protect the farmer from injury to his crops. There was a variety of ways in which the Amendment might act favourably in the interests of the tenant. For instance, a considerable reduction of rent might be offered as a reasonable alternative, and he could not understand why an objection should be

*Sir Herbert Maxwell*

raised to the proposal. But he might take another case, and a much stronger one. Suppose a gentleman owned a considerable quantity of land next to that of his tenant, and did not care about farming, but liked shooting. The tenant, on the other hand, might be anxious about farming, and be very desirous of increasing his holding. The landlord might say to him—"I have a great deal more land than I want; I shall be very glad if you will give me the exclusive right of shooting, to add two or three hundred acres to what you already have." That would be an operation distinctly to the advantage of both parties. It would meet the views of the landlord, and would conduce to the benefit of the tenant. He did hope that his right hon. and learned Friend, under those circumstances, would see his way to accepting the Amendment, which was really proposed by him (Mr. Chaplin) honestly in what he believed to be the interests of the tenants. It mitigated also some of the most evil effects of the Bill, but it did not directly interfere with it; and as it also conferred considerable benefits on the tenants he could not conceive why it should not be accepted. He did hope the right hon. and learned Gentleman would be able to accept, at least, that one Amendment from that side of the House.

Amendment proposed,

In page 1, line 20, to leave out the word "and" in order to insert "in favour of any other person, without the offer of a reasonable alternative from that person; and, except in case of his accepting such an alternative."—*(Mr. Chaplin.)*

Question proposed, "That the word 'and' stand part of the Clause."

SIR WILLIAM HARCOURT hoped that his hon. Friend (Mr. Chaplin) and others would not think that he (Sir William Harcourt) had refused all Amendments; because, in fact, the provisions which he had moved represented many Amendments which originally were put down to the Bill. When the Amendments were first put on the Paper he examined them all, to see which he could accept without substantial injury to the Bill; and, as a matter of fact, his provisos did embrace the more reasonable and convenient Amendments which had been suggested. He had put down those Amendments, in fact, in what an hon. Member had called in

*globe.* Now, the Bill proposed that a certain right should be inalienable in the tenant, and the proposition of his hon. Friend was that that right should not accrue if the landlord proposed a reasonable alternative. [Mr. CHAPLIN: Something better.] But who was to judge that? [Mr. CHAPLIN: The tenant.] But suppose the tenant did not think it was better, there was no provision for that. [Mr. CHAPLIN: Yes, later on.] As he (Sir William Harcourt) understood, if the alternative was not satisfactory the matter was to go before a Judge who was to decide. The effect of that was simply that the tenant was to have a lawsuit given him in place of the right which was conferred by this Bill. That was wholly unsatisfactory. The landlord would only have to say—"You shall not exercise the rights given you by this Bill, because I have given you a reasonable alternative." And then he could take the tenant before an arbitrator, or the County Court Judge, and subject him to all the worry and all the expense of a lawsuit. The whole object of the hon. Member would be answered by the arrangements which he felt certain would be made between landlords and tenants. When the Bill was passed, the landlord would go to the tenant and say—"If you like to accept an arrangement of this kind rather than the Bill, you can have it." But that was a very different thing indeed to allowing the landlord to propose an arrangement in law, which he would be able to enforce upon a tenant by an arbitrator, or by a County Court Judge. There was nothing in the Bill to prevent an honourable understanding between the landlord and tenant; and, on the contrary, he thought it would often be produced by it. One of his great objects was that there should be such arrangements; but that was a totally different thing from allowing a landlord to force a tenant either to accept a reasonable alternative, or a lawsuit. He imagined that if that Amendment were accepted landlords would be constantly proposing a reasonable alternative to their tenants, and the reasonable alternative would be that they should not shoot. It would be a very specious and difficult matter to deal with; and, of course, he could not accept the suggestion. In fact, there was only one thing that was satis-

factory in the proposition, and that was that his hon. Friend should have accepted the principles of the Compensation for Disturbance (Ireland) Bill. As he had adopted his Amendment from the provisions of that measure, it seemed to be an admission that he considered that Bill satisfactory.

VISCOUNT NEWPORT said, he hoped his hon. Friend (Mr. Chaplin) would adhere to the Amendment and press it to a division. It was, as it seemed to him, a very fair and reasonable proposal. That, however, was not a reason why it was any more likely to be acceptable to the right hon. and learned Gentleman. He (Viscount Newport) had no desire himself to offer factious opposition to that measure, for he was very anxious to see proper protection afforded to occupiers against the damage done by ground game on their holdings; but the present Bill, in the shape it had now taken, went far beyond that. For his part, he had not at present seen any willingness on the part of the right hon. and learned Gentleman to accept Amendments from that side of the House. And since he had had the honour of a seat in that House, he never could recollect any Minister who had adopted so unconciliatory an attitude as the right hon. and learned Gentleman appeared to have done. He had not accepted a single Amendment during the whole course of the Committee; and in no single instance had he given way, except one very small one. He would not say whether such a course was wise or not; but he did very much doubt whether it would facilitate Business.

Lord ELOHO said, he also hoped his hon. Friend (Mr. Chaplin) would go to a division. This was another of those Amendments which tested the real spirit and intention of the Bill. There could be no question that if the real object of the measure were simply what the Preamble professed—to keep down ground game, it would not only be natural, but it would absolutely be the right thing for the Government to accept the suggestion which his hon. Friend had made, of allowing for the possibility of the substitution of a reasonable alternative to the provisions contained in the Bill. It was a simple act of justice to those landlords who were on good terms to their tenants, and had satisfactory agreements with them with re-

ference to game. In such cases, it was outrageous that the Government should step in and say that it would hear nothing of any private agreements, and that those gentlemen must take the Bill and nothing else. As his hon. Friend had pointed out, that was exactly the reverse of the course which the Government took in their Irish Bill. On his father's estate the agreement as to game was that the landlord and tenant should have a joint right to hares and rabbits, on the understanding that the tenant should do what he could to preserve the winged game, and should make no claim for damage by game of any description. Thus, that agreement being in force on his father's estate, as regarded this Bill, his withers were absolutely unwrung. This agreement only reserved that right control which he maintained owners ought to have. It was now quite clear, as his right hon. and learned Friend continued to treat Amendments in the spirit he had first shown, what was the spirit of his measure. That Bill was clearly directed against landlords and landlords only. He (Lord Elcho) might say that this Amendment would have his entire support, because he had prepared one himself to much the same effect, and, in fact, he was travelling to the same point as his hon. Friend by parallel, though different, roads. For his part, he thought it was most ungracious of the Government not to accept this Amendment.

MR. CHAPLIN said, if one single argument had been urged against his Amendment which he could accept, he would not put the Committee to the trouble of a division; but the speech of the right hon. and learned Gentleman the Home Secretary was so unsatisfactory, and had so misrepresented what he (Mr. Chaplin) had said, that he was forced to take that course. Even the right hon. and learned Gentleman himself had been obliged to acknowledge that that Amendment did not attack the principle of the Bill; and, therefore, he took refuge in the argument that it would drive the tenant into a lawsuit; but why was that to happen? He (Mr. Chaplin) could not understand any reason for it. All his Amendment provided was that the tenant might divest himself of his concurrent right to game upon the offer of a reasonable alternative from the landlord. It depended entirely upon

*Lord Elcho*

the tenant himself whether he was to accept that or not; and, if he chose not to accept it, the contingency provided for in the Amendment could never arise. The sole reason why he provided for arbitration in the case of a difference was that it might be impossible for hon. Members on the other side to say he was providing a loophole by which to escape from the settlement. The right hon. and learned Gentleman told them that the tenant could already do that under the Bill. He had observed that all those arguments so constantly used in that direction were based on the assumption that the Bill was to be nothing but a sham. He agreed with that opinion, and he thought very often that it would only be a sham; but, in discussing a legal question like that, he preferred to discuss it on the assumption that the Bill would not be a dead letter; and if it was not to be so, then some Amendment, such as he proposed, was necessary in order to enable landlords and tenants to make an arrangement of the character he had attempted to suggest. The right hon. and learned Gentleman had taunted him with adopting the principle of the Irish legislation of the Government. He had done it; but why? In mitigation of the principle which he thought bad. It was, however, remarkable that principles which were proposed in that House by the right hon. and learned Gentleman and his Government, as excellent and everything to be desired for Ireland, were repudiated when they were proposed by an unfortunate Tory Member like himself, as suitable to be applied to England.

Question put.

The Committee *divided*:—Ayes 146; Noes 47: Majority 99.—(Div. List, No. 130.)

On the Motion of Sir WILLIAM HAR-  
COURT, the following Amendment made:—In page 1, line 23, leave out from "the right" to end of clause inclusive, and insert—

"The same right to kill and take ground game as is declared by section one of this Act. Save, as aforesaid, the occupier may exercise any other or more extensive right which he may possess in respect of ground game or other game in the same manner and to the same extent as if this Act had not passed."

On Question, "That the Clause, as amended, stand part of the Bill?"

LORD ELCHO said, he had an Amendment to leave out the clause; but he did not wish to move it. The clause was the creation of the brain of his right hon. and learned Friend the Home Secretary. It was not, however, absolutely original, but was a piece of derivative originality proceeding from the brain of Mr. Locke. As there was one of the Law Officers of the Crown now seated on the Treasury Bench, he (Lord Elcho) took the opportunity of asking him whether he could give the Committee any precedent for such a clause as this, which provided that a man invested with a right should not be allowed to divest himself of it.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, if the question were a legal one, he should be most happy to express his opinion upon it; but he did not think it was the duty of the Law Officers of the Crown, at a moment's notice, to answer the question whether he could or could not find a precedent for a particular kind of right being reserved. The noble Lord would, no doubt, like to receive a satisfactory answer; but as he (the Solicitor General) had not had time to consider the point, he must decline to try to satisfy him.

LORD ELCHO said, he wished it to go out to the country that the right hon. and learned Gentleman the Home Secretary was creating a thing absolutely new to the law. Could any hon. Member doubt that if there existed any precedents for this reservation the hon. and learned Gentleman the Solicitor General would have had them at his finger's ends?

SIR WILLIAM HARCOURT said, he did not wish it to go forth that there were no precedents for the clause. He had stated, on introducing the Bill, that there were precedents for every clause in the Bill, and had given chapter and verse for them at the time.

LORD ELCHO said, the right hon. and learned Gentleman could not expect that this question, affecting freedom of contract, would be allowed to slip through the Committee without controversy. He should allow the clause to pass, but could assure the right hon. and learned Gentleman that there would be a good contest on that ground upon the third reading of the Bill. Neither the hon. and learned Gentleman the Solicitor General nor the right hon. and learned Gentleman the Home Secretary had pro-

duced any precedent whatever in favour of the clause, although the latter had endeavoured to raise false analogies as regarded interference with freedom of contract.

Question put, and *agreed to*.

Clause 3 (All agreements in contravention of right of occupier to destroy ground game void).

MR. WILBRAHAM EGERTON said, he could not think the right hon. and learned Gentleman the Home Secretary had ever shown that any quantity of ground game existed sufficient to interfere with husbandry. At all events, it was not so generally the case that there could be any justification of that attempt to interfere with contracts in the way which the clause proposed to do. The Amendment he was about to propose would make the clause run thus—"Every agreement inconsistent with the purposes of this Act shall be void;" and that was perfectly consistent with the words of the Preamble. He held that no interference with any agreement could be justified beyond that particular point. Therefore, if the Bill was to be an honest expression of feeling on the part of the Government, as stated in the Preamble, the right hon. and learned Gentleman ought to accept his Amendment. He wished to know how the provisions of the clause were to be carried out as they stood. His Amendment would secure the object of the right hon. and learned Gentleman, who wished to prevent the landlord and tenant making any agreement which would vitiate the principles of the Act. That was also the plain and express object of his Amendment, which he trusted would be accepted in the event of the right hon. and learned Gentleman being unable to give sufficient reasons to the contrary. He begged to move the Amendment which stood in his name.

Amendment proposed, in page 1, line 25, after "agreement" leave out to "right" in line 30, and insert "inconsistent with the purposes of this Act."—*(Mr. Wilbraham Egerton.)*

SIR WILLIAM HARCOURT said, it appeared to him that if the words of the Amendment were in the clause they would not change the position at all. Any agreement having for its object to

separate this right from the occupation of the soil would be inconsistent with the purposes of the Act. He presumed the hon. Member for West Cheshire (Mr. Wilbraham Egerton) meant that any agreement entered into should be consistent with the interests of good husbandry as expressed in the Preamble. But then it would be necessary to set up some tribunal to consider whether or not it was inconsistent with the Preamble of the Bill. It had been asked whether a person could make an agreement to take a lower rent if the ground game were largely preserved; or a higher rent if it was not. The object of the clause undoubtedly was to prevent such an agreement being binding in law. If such an agreement were made between the parties, it could not, of course, be prevented, nor was there any desire to prevent it. The intention was to prevent the making of legal and binding agreements; and in that sense it was that they were to be void. An agreement of the kind referred to would be like a bet, which was binding upon the parties, but not binding in law. It seemed to him that his hon. Friend would introduce words which would raise tedious questions, which would have to be settled by some tribunal; and, therefore, he hoped he would not press his Amendment.

LORD ELCHO said, there was such a tribunal in Scotland. As the Lord Advocate was not present, and he could not ask him, he would appeal to the right hon. and gallant Member for the Wigton Burghs (Sir John Hay) whether it was not the case under Mr. M'Lagan's Act that there was a reference to the sheriff, whose decision was final?

Amendment, by leave, *withdrawn*.

MR. GREGORY said, he should just like to ask a question, as he saw the Law Officers of the Crown present, and it was not often that he could get the advice of two such eminent authorities. Taking the clause as it stood, it gave the right to the tenant to destroy the game. He wished to know, if the tenant sustained any damage from ground game, could he claim compensation against the landlord, he, the tenant, having the right to destroy it?

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, that, under the cir-

cumstances stated by the hon. Member, the tenant would not be able to obtain compensation.

SIR HERBERT MAXWELL said, that the next Amendment was part of the one he had moved before. He should therefore not move it. He wished to say, with reference to what had just fallen from the hon. and learned Gentleman (the Attorney General), that in Scotland there was a claim for compensation in respect of damage.

MR. WARTON said, he hoped the Committee would give a little careful attention to what he was about to say. He was sure he should not be disappointed in that, for he did not often occupy the time of the House very long; therefore, he wished to be allowed to make a few remarks on behalf of an Amendment, which appeared to him to be one that the right hon. and learned Gentleman in charge of the Bill might accept. He proposed to change the last word in the clause from "void" to "voidable." Perhaps it might be asked what he meant by that. He would sketch out in a few words the effect of the change; and he might be, perhaps, allowed to add to the clause more than the word "voidable." He proposed, therefore, to add—

"Voidable at option in manner following:—that is to say, any such agreement, condition, or arrangement shall become void at the expiration of six months from the time of notice being given by the occupier to the person with whom such agreement, condition, or arrangement was made, that he desires to put an end to such agreement, condition, or arrangement."

The legitimate object of that Bill, for it had a legitimate as well as an illegitimate object, was to prevent the over-preservation of game. The object of his Amendment was to enable the landlord and tenant to enter into a contract; and, therefore, so far, he was supporting the freedom of contract, but not to the full extent, because, so long as the landlord and tenant got on well together, so long the arrangement stood; but if the landlord kept up too much ground game, the moment the tenant chose, he could put an end to the arrangement simply by giving notice, and at the end of six months it would become absolutely void. He could not understand how hon. Gentlemen could say at one time that there should be no contract, and at another ~~that there~~ should be freedom of con-

tract. If hon. Gentlemen opposite would, instead of making up their minds before they heard the arguments, listen to them and judge them by their own consciences, he felt sure they would say that his proposal was a reasonable one. He begged to move the Amendment.

**Amendment proposed,**

In page 1, line 30, leave out "void," and insert "voidable at option in manner following:—that is to say, any such agreement, condition, or arrangement shall become void at the expiration of six months from the time of notice being given by the occupier to the person with whom such agreement, condition, or arrangement was made, that he desires to put an end to such agreement, condition, or arrangement."—(Mr. Warton.)

SIR WILLIAM HARCOURT said, that if the Amendment had been left as it stood upon the Paper he was not sure that he might not have agreed to it. But, as it then stood, it would establish a permanent agreement for six months, at any rate, and to that he could not agree. He need hardly say that a similar proposition had been made by the hon. Member for West Worcestershire (Mr. Knight), which he had been obliged to decline to accept.

MR. GIBSON said, he would advise his hon. and learned Friend (Mr. Warton) to accept at once the offer of the right hon. and learned Gentleman. He had stated his willingness to accept the Amendment which stood on the Paper. [SIR WILLIAM HARCOURT: No, I did not.] He certainly understood the right hon. and learned Gentleman to say so.

SIR WILLIAM HARCOURT said, that what he had stated was, that he did not know whether he might not have been disposed to accept it.

MR. GIBSON said, that he had understood that the right hon. and learned Gentleman had intended to accept the original Amendment. At any rate, he would advise the hon. and learned Member for Bridport (Mr. Warton) to withdraw the words he had added, and see what effect that would have upon the mind of the right hon. and learned Gentleman the Secretary of State for the Home Department. He had no doubt that his hon. and learned Friend (Mr. Warton) would accept the suggestion he had made; and he should therefore like to know, whether it was the intention of the right hon. and learned Gentleman to accede to the pro-

position of the hon. and learned Member for Bridport?

**Amendment, by leave, withdrawn.**

**Amendment proposed, in page 1, line 30, to leave out the word "void" and insert "voidable."—(Mr. Warton.)**

SIR WILLIAM HARCOURT said, he could answer his right hon. and learned Friend (Mr. Gibson) in a moment. He had not in the least altered his opinion, and he preferred his own words.

**Amendment negatived.**

**Motion made, and Question proposed, "That the Clause stand part of the Bill."**

MR. NEWDEGATE moved to strike out the clause, with the object of substituting another in its place, as its language was such that he could not propose its amendment in the sense he desired, without violating the principle of the Bill, which he accepted. He would shortly call the attention of the Committee to what was the nature of the Bill. The Bill was intended for the promotion of the home production of food, and, therefore, he was not opposed to its object; but it proposed to effect that object by means which, as illustrated by that 3rd clause, were objectionable. As the Common Law now stood the game was the property of the tenant, unless he alienated the right by contract, and the clause limited the right of the tenant by imposing this condition upon him, that he should not alienate it to his landlord, or to the representative of his landlord, and went so far as to declare that any document by which he might attempt to alienate it should be void. This provision was as absolute as the obligation of the farmer, as a ratepayer, to serve on juries. He could conceive of no more stringent provision. It was most stringent, and, as he thought, unnecessarily and unwisely stringent, and it incapacitated the tenant. At present, under the lease or agreement by which he held his farm the tenant usually divested himself of the right which he possessed under the Common Law in the game; and where the tenancy was yearly, no great hardship ought to accrue to the tenant by the destruction of his crops through the excessive preservation of ground



game. But, in practice, the tenant's remedy against the landlord—if the landlord preserved an excessive quantity of game—was so involved with other considerations, that, practically, the tenant did not exercise it. He might bring an action against his landlord for damage to his crops. That, however, would be a very invidious proceeding, and tenants usually avoided it. Or he might give notice to quit his farm; but that involved such serious considerations, far beyond the question of game, that few tenants availed themselves of it. Such, then, was the condition of a yearly tenant. But he now wished to point to a case in which the operation of some such measure as this was really needed. He would take the case, which was common in Scotland, where the landlord had let his farm on lease for seven, 14 or 21 years, and reserve the game to himself. Let the Committee suppose that the landlord died, and some other person succeeded to the property, who might have totally different views with regard to game from the man who originally let the land on lease. Under this new landlord, the game might increase in excess, and the tenant had no practical remedy. That might involve much hardship on the tenant. He (Mr. Newdegate) had had 40 years of experience in these matters with several properties, two of which he had been in the habit of letting with the residences upon them; but throughout his long experience he never got into a difficulty by letting the game, until he let it on lease, and then he found that both he and his tenants were helpless against an excess of game being preserved by the person who had the right of shooting on lease; they suffered from the action of a third party, against whose excess neither landlord nor tenant had a remedy. He admitted, therefore, that there was a case for the interference by legislation, though he did not approve of some of the provisions of the Bill. It did appear to him to be totally anomalous to create two rights in one property. By the Bill they limited the right of the tenant in ground game to one-half, and by the 3rd clause they declared that he should make no agreement whatsoever with his landlord, who possessed the other half of the property, and that every contract made in defiance of this prohibition should be void. He

*Mr. Newdegate*

thought it was impossible to conceive of a more disabling provision than this. It disabled both the parties, who were jointly interested in this property—the ground game. He was strongly of opinion that that was a disability which ought to be mitigated; and by the clause which stood in his name, but which he could not move at the present moment, he intended to propose that it should be competent for the tenant to let his share of the ground game to the owner of the other half of that property—the landlord—but under these conditions, that the letting should be by means of a document in writing, totally distinct and separate from the document under which the occupier held his farm; that the document which would thus deal with the occupier's share in the ground game, the right created by the Bill, should be stamped, and thus made producible in evidence; but, above all—and this was the important provision of the clause he intended to propose—that such agreement to let the right of the occupier should absolutely cease and determine, and without notice, at the expiration of a year from the date thereof. Now, what would be the effect of such a provision as that? Tenants did not like to give notice to their landlords or prosecute them for damages; but should this provision be introduced into the Bill, in lieu of the 3rd clause, the tenant, if the ground game had increased within the year more than he thought right, would have nothing to do but to remain perfectly quiescent, and his right in the ground game would by the other provisions of the Bill revive. If he allowed the agreement to lapse, all his right over the ground game which the Bill vested in him would revive at the expiration of the year; and his (Mr. Newdegate's) experience told him that, within a year, it was practically impossible that much damage to the tenant could accrue. Then, what would be the tenant's—the occupier's—position at the end of the year? Suppose him to have allowed the contract to lapse, the landlord must go to him, if he wished to renew the contract, and it would be for the tenant to make his bargain with regard to the quantity of ground game, or as to compensation. He (Mr. Newdegate) had had 40 years' experience in reference both to game preservation and the preservation of foxes; and he did not feel so confident.

as the right hon. and learned Gentleman who introduced the Bill that it would not prove a vulpicidal measure. He should be sorry to see any measure adopted that would interfere with the noble sport of fox-hunting; and, having had to do with a great variety of persons, he could conceive of a man with a troublesome temper using the powers which the Bill conferred upon him as occupier, for the destruction of the value of the landlord's right in the ground game, and also the destruction of foxes. That was an opinion which was not confined to himself. He hoped he had now said enough to convince the right hon. and learned Gentleman who had charge of the Bill that, in objecting to this particular clause, he was not attacking the principle of the Bill, because, by the clause, of which he had given Notice as an alternative, in the event of that 3rd clause being omitted, he had accepted the principle of the Bill; but, instead of disabling the tenant from making use of the right which the Bill created in him as regarded his partner, the landlord, he would provide that the tenant should be enabled to agree with his landlord by a written document, separate from the conditions of his lease, and bearing a 6d. stamp. This agreement would positively terminate at the end of a year; and it was, if not impossible, at least highly improbable, that any unreasonable quantity of ground game should grow up within that interval. He accepted the principle of the Bill; but he objected to this 3rd clause. His experience and observation told him that it was sure to entail differences and bad feeling between landlords and tenants as it stood, and would interpose difficulties in the way of the reasonable preservation of game, which the House had declared by a large majority it was not its intention to prevent. The fact was that there were many tempers and many men. There were men, with whom one could agree once a-year, but with whom few, if anyone, could agree once a-week. He appealed to the knowledge of human nature, which every hon. Gentleman must possess, whether that was not true. His object in omitting the clause, then, was to get rid of the irritation it must, as it stood, create, and with the view of enabling the tenant to use the property, and the right which the Bill reserved to him, in a manner that would

preserve good feeling between him and his landlord, and would render the abuse of an undue increase of ground game almost, if not quite, impossible. In other words, impossible without the concurrence of the occupier.

Amendment proposed, "That the Clause be omitted."—(*Mr Newdegate.*)

THE CHAIRMAN: The Question is, "That the Clause stand part of the Bill."

SIR EARDLEY WILMOT said, he did not object to the clause, because it was merely explanatory, and amplified what had already been enacted in the 1st clause. A great deal had been said about freedom of contract; but he maintained that as between landlord and tenant there could be no freedom of contract whatever. He lived in a county (Warwickshire) where the agreements for letting the land were only from year to year, and where also there had been very great damage done to the crops by ground game. If there were freedom of contract, as his hon. Friend (Mr. Newdegate) maintained, at the expiration of each yearly tenancy, it would be possible for the tenant so to arrange with his landlord that he might have remedies with regard to ground game which were necessary to protect his crops. Yet, serious as was the damage done to crops in that county, year after year, from various reasons which must occur to landlords in that House—from their superior social position and advantages, and their reluctance to interfere with the landlord's sport—the tenants had never been in such a position that they could maintain that freedom of contract of which everybody on that side of the House had talked so much. With regard to what had been said by his right hon. and learned Friend the Home Secretary, recently, he had very nearly committed an act of suicide. ["Order, order!"]

THE CHAIRMAN: The hon. Gentleman cannot discuss an Amendment that has already been passed.

SIR EARDLEY WILMOT said, he only wanted to point out the difference between "voidable" and "void;" and he would not pursue the subject further. With regard to the complaint that this Bill would prevent fox-hunting, as had been said by his hon. Friend the Member for North Warwickshire (Mr. New-

degate), they were used to cries of that kind. He was old enough to recollect when railways were established that it was alleged they would break up fox-hunting; yet they knew that the sport flourished at the present day in an even greater degree than it did before. It was also said that the Bill would cause ill-feeling between landlord and tenant; but he was under no apprehension whatever on that score. He thought, with his hon. and learned Friend the Member for Cambridgeshire (Mr. Rodwell), that the tenant farmers should be treated generously and without that suspicion which seemed to prevail among some of his hon. Friends around him; and he did not think they, for the sake of spiting their landlords, would kill every bit of ground game. He believed the Bill would result in equal advantage to both parties. It would be an advantage to the tenants, because they would be able to keep down the ground game, so that it should not seriously destroy the crops; while, on the other hand, the feeling that had hitherto been shown by the tenant towards his landlord, and which, he believed, he would continue to show, would prevent him from destroying hares and rabbits in such a way as would interfere with the sport of his landlord. He had supported the Bill hitherto, and he had gone into the Lobby against all these Amendments, for they were all intended to defeat the principle of the Bill. That principle, he understood, was to protect the tenant from the ravages of ground game to his crops. His right hon. and learned Friend thought that object could only be obtained by giving the tenant an inalienable right to the ground game. He perfectly agreed with him in that opinion. He was certain that nothing else would give the tenant farmers the remedy they desired; and therefore, as he had said, he cordially supported the Bill.

SIR MICHAEL HICKS-BEACH said, that, so far as interference with freedom of contract was concerned, the question had already been very fully discussed, and he did not think that it was worth while to raise it again. He rose only for the purpose of asking the right hon. and learned Gentleman a question which arose out of some remarks of his in that House. From the views which he apparently took of the provisions of

the Bill, he understood the right hon. and learned Gentleman to say that although the clause rendered any agreement void at law, it did not render any arrangement illegal; that it would not be contrary either to the law or to the spirit of the Act, if the landlord and tenant, having joint rights of sporting over a farm by the Bill, chose to make any arrangement as to the time or mode in which those rights should be exercised, but that those arrangements would in no way be objected to as contrary to the spirit of the Act. He was anxious to have that point quite clear.

MR. CHAPLIN said, it was very much to be regretted that hon. Members, like the hon. Baronet the Member for South Warwickshire (Sir Eardley Wilmot), could not refrain from making offensive statements with regard to other Members on that side of the House. He rose to repudiate the charges which the hon. Baronet had made.

SIR EARDLEY WILMOT: I beg to rise to Order. Did anything I said deserve to be characterized as offensive?

THE CHAIRMAN: I listened attentively to what the hon. Baronet the Member for South Warwickshire said, and I observed nothing which rendered it necessary for me to call him to Order.

MR. CHAPLIN said, he did not rise to Order. He rose to repudiate the statements made by the hon. Baronet.

SIR EARDLEY WILMOT: I call upon the hon. Member to withdraw the word "offensive."

MR. CHAPLIN said, he would withdraw it with the greatest pleasure when he had finished the sentence. [*Cries of "Withdraw!"*] He did withdraw the word altogether. [*Cries of "Withdraw!"*] He had withdrawn it, and he could not do more than that. Still, when the hon. Baronet (Sir Eardley Wilmot) attributed to other gentlemen outside of the House that they had regarded their tenantry with suspicion, and that when he (Sir Eardley Wilmot) and the hon. and learned Member for Cambridgeshire (Mr. Rodwell) said that they ought to put faith in their tenants, he (Mr. Chaplin) repudiated all those assertions, and begged leave to tell those hon. Members that he, and others who sat with him on that side of the House, represented tenants quite as much as they did. He regarded himself as sit-

*Sir Eardley Wilmot*

ting there to represent the interests of the farmers quite as much as those of the landlords. He had never had one word of dispute with his tenants. He put a complete and absolute faith in them, and faith which he undertook to say was reciprocated by the tenant farmers, and which they were justified in showing. That was the reason for the indignation which he had exhibited when he was told by those hon. Members that he and his hon. Friends treated their tenants with suspicion. He declared that they did nothing of the kind. He objected to the Bill because it was calculated to engender feelings which did not exist at the present time; and, in support of that statement, he begged to remind hon. Members that in the debate on the second reading he quoted a resolution sent to him, without the least communication or suggestion on his part, by the tenant farmers of Lincoln, in which they objected to the Bill on the ground that it would create the ill-feeling of which he had spoken.

SIR WILLIAM HARCOURT hoped he might be allowed to join in the appeal which had just been made by the right hon. Gentleman opposite (Sir Michael Hicks-Beach). They had now been engaged for more than an hour upon a discussion which was really a discussion on the principle of the Bill. He did not think that was a fair way to treat the Bill. The speech of the hon. Baronet the Member for South Warwickshire (Sir Eardley Wilmot) was nothing but a second reading speech, and he did not think such conduct gave the measure a fair chance. It was very dangerous to answer speeches made from that side of the House, because it was almost certain to raise a discussion; and, therefore, all he would say was that this 3rd clause was intended to prevent such agreements as had been mentioned from being enforceable in Courts of Law.

EARL PERCY said, he did not intend to delay the Committee at all; but he merely wished to call the attention of the Chairman to a point of Order which had arisen. The hon. Gentleman the Member for Mid Lincolnshire (Mr. Chaplin) had risen a few moments ago and remarked that the hon. Baronet the Member for South Warwickshire (Sir Eardley Wilmot) had said something of an offensive character, upon which that hon. Baronet got up and

asked the Chairman whether anything in his speech was, in the opinion of the Chairman, of an offensive character, to which the Chairman gave a reply. He ventured to submit that such a question as that was not one for the decision of the Chair at all. The proper question for the Chair was, whether the word "offensive" was a Parliamentary word or not; and with all due submission to the Chairman, and to anyone who occupied the Chair, he (Earl Percy) submitted that it was not a question for the Chairman whether a speech of a Member was offensive. He might add that he did not, in the least, understand the explanation which had been given by the right hon. and learned Gentleman the Home Secretary, and he only hoped that other Members did.

THE CHAIRMAN: The noble Earl the Member for North Northumberland (Earl Percy) would be perfectly right if that were the abstract question put to me; but I understood the question was whether the hon. Baronet the Member for South Warwickshire had made any remark offensive to other hon. Members of this House, and I replied that I did not think he had.

Question put.

The Committee *divided*:—Ayes 169; Noes 24: Majority 145.—(Div. List, No. 131.)

Clause 4 (Exemption from game certificates).

SIR WILLIAM HARCOURT said, the next Amendment he had to propose was merely one of a verbal character, and therefore he need not further explain it.

Amendment proposed,

In page 2, line 1, to leave out the words "his agents duly authorized in writing," in order to insert the words "the persons duly authorized by him as aforesaid."—(Sir William Harcourt.)

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

Question, "That those words be there inserted," put, and *agreed to*.

SIR WILLIAM HARCOURT said, the next Amendment was also a verbal one.

Amendment proposed, in page 2, line 3, after the words "ground game" to

insert "on land in the occupation of such occupier."—(*Sir William Harcourt.*)

Question, "That those words be there added," put, and *agreed to*.

MR. RODWELL said, he wished to propose an Amendment, to insert the words "otherwise than by shooting." His idea was that the person who killed hares by shooting should be placed on the same footing as the person who paid a licence and sold game. It seemed to him that there was no reason why a person who, by means of the Bill, got a right to destroy game should have the right to sell it without a licence.

Amendment proposed, in page 2, line 3, after "game," to insert "otherwise than by shooting."—(*Mr. Rodwell.*)

SIR WILLIAM HARCOURT said, the Amendment would really put the tenant in a worse position than ever. To a small tenant farmer the question of a game certificate was a very serious one; but if he had to take out a licence to sell game as well it would be very onerous on him indeed. Surely, a small farmer who killed ground game in order to protect his crops should be at liberty to sell it. A man who killed a rabbit and three or four hares certainly should not have to take out a licence to sell them.

MR. RODWELL said, his proposal seemed to him to be worth consideration; but if the right hon. and learned Gentleman could not accept it he would not press it.

Amendment, by leave, *withdrawn*.

MR. J. W. BARCLAY said, that the Amendment which he had to propose was so much in the spirit of the Bill that he must think it had been omitted by inadvertence. At present, the position of the farmer in regard to a gun licence was that he could scare birds without a licence, and that if he paid 10s. for a licence any person on his farm could be authorized to exercise the same right, if the gun were used to kill vermin and to scare birds. As the Bill now stood, if the farmer was to exercise the right which was given to him by it, of killing hares and rabbits, he would have to take out a gun licence not merely for himself, but for each one of the persons whom he authorized to kill ground game; and the effect of that would be really that the

expense to which he would be put would amount to the cost of a game certificate. He assumed that the tenant was to have every right to protect his crops without cost. That was the object of the Bill, and it did seem to him to limit that principle in some way, when they called upon the tenant to pay 10s. for a gun licence before he could exercise this right, and to pay 10s. not only for himself, but for every one of the persons whom he authorized to kill. An hon. Member opposite had said that the Bill gave tenants sporting rights; but, as he (*Mr. J. W. Barclay*) understood it, it did nothing of that kind, because the tenant, at present, could not invite his neighbour to shoot with him over his farm. There was a very great difference between a tenant protecting his crops and his exercising sporting rights. He, therefore, hoped the Government would give way upon the point.

MR. MONK remarked, that the Amendment seemed to him to be in the wrong place. It surely was intended to come in at the end of the clause.

SIR WILLIAM HARCOURT said, he could not agree to the Amendment, as it would bring down gun licences all over the country, which he thought would be entirely wrong.

Amendment *negatived*.

Clause, as amended, *agreed to*.

Clause 5 (Saving Clause).

Amendment proposed,

In page 2, line 6, to leave out the words "passing of this Act," in order to insert the words "twenty-seventh day of May, one thousand eight hundred and eighty."—(*Sir William Harcourt.*)

Question proposed, "That the words 'passing of this Act' stand part of the Clause."

MR. CHAPLIN said, he thought the Committee ought to have time afforded to it for the consideration of so important an Amendment as that now proposed.

SIR WILLIAM HARCOURT said, the proposed alteration was to meet not probable, but improbable cases. It was conceivable, although he did not suppose such a thing could possibly be done, that contracts might be made with the object of defeating the Bill. The alteration he proposed would prevent anything of the kind. He only proposed to

save contracts made previous to the introduction of the Bill.

LORD ELOHO said, it was entirely novel to make an Act come into operation before it was passed. The proposal was certainly a very serious one, and he should resist it.

EARL PERCY agreed with the noble Lord the Member for Haddingtonshire (Lord Elcho) that this was a most serious proposal, and it was rather remarkable that it should be sprung upon the Committee without the smallest warning. That was the second time the right hon. and learned Gentleman had sprung Amendments of an important kind upon the Committee without Notice. He did not wish to offer any factious opposition to the Bill; but he must say that an Amendment which introduced an entirely new principle, and struck at the root of another great principle, that of freedom of contract, was most improperly introduced in this way. He trusted that the Opposition would resist the Amendment, and take a division upon it.

SIR WILLIAM HARCOURT said, if there was any objection to the proposal, he was willing to withdraw it, and bring it up on Report.

SIR WALTER B. BARTELOT said, he entered his strongest protest against the suggestion of the right hon. and learned Gentleman that there were to be found landlords who had already contracted themselves out of the operation of the Bill. ["Hear, hear!"] That was a suspicion cast upon the character of landlords which he ventured to repudiate. Would the hon. Member for Northampton (Mr. Labouchere), who said "Hear, hear!" name any one landlord who had acted in that manner? He protested against any such principle being introduced into the Bill, and hoped it would be strongly resisted on Report.

MR. LABOUCHERE said, when the hon. and gallant Baronet admitted there might be one or two such landlords, he had simply meant that he entirely agreed with him. He hoped the right hon. and learned Gentleman the Home Secretary would make no more withdrawals. There were many hon. Gentlemen below the Gangway who were supporting the Bill on the understanding that there would be no further concessions to hon. Gentlemen opposite.

Concessions upon those hon. Gentlemen were entirely thrown away. Like the horseleech, they were never satisfied; but cried, "Give, give!" He could assure the right hon. and learned Gentleman that, if his conciliatory spirit led him to make any further concessions, the consequence would be that many hon. Gentlemen would unite with those opposite for the purpose of defeating the Bill.

MR. WARTON said, he could see nothing of a conciliatory spirit on the part of the right hon. and learned Gentleman. He entered a strong protest against the introduction of the principle contained in the proposed Amendment. It was quite unfair to bring forward Amendments of the kind in this manner. The present Government had been called a "Cabinet of Confiscation;" but he was prepared to style it a Cabinet of sharp practice.

EARL PERCY said, he rose to point out that if any further discussion arose upon the Amendment, it would be due to the remarks of the hon. Member for Northampton (Mr. Labouchere), who said if any farther concessions were made, a considerable number of hon. Gentlemen on his side of the House would join the Opposition for the purpose of throwing out the Bill.

MR. MONK rose to Order. He wished to know whether the noble Earl the Member for North Northumberland (Earl Percy) was in Order in the observations he was making, seeing that there was a Motion before the Committee that the Amendment be withdrawn?

THE CHAIRMAN said, the noble Earl was quite in Order.

EARL PERCY said, so far from the Amendment being a concession, it was a fresh invasion of an established principle. As the right hon. and learned Gentleman had consented to withdraw the Amendment, he would discuss its principle no further; but he asked, if this provision were really brought forward to meet exceptional cases which, at the most, even according to the hon. Member for Northampton (Mr. Labouchere), could only arise in one or two instances, and which, according to the right hon. and learned Gentleman himself, were scarcely to be conceived, why had it been introduced at all? He protested against Amendments being brought in to meet exceptional cases.

MR. DUOKHAM said, he had heard the Amendment proposed with great pleasure, having a letter in his pocket informing him that several agreements had been made by landlords since the Bill was introduced for the purpose of contracting themselves out of it. He hoped the right hon. and learned Gentleman would persevere with the Amendment on Report.

MR. BARING said, the Amendment would introduce a novel and dangerous principle.

MR. RODWELL said, he rose for the purpose of contradicting a statement of the hon. Member for Northampton (Mr. Labouchere), who had stated that his hon. and gallant Friend the hon. Member for West Sussex (Sir Walter B. Bartlett) had said that there were two or three cases in which landlords had made agreements with their tenants for the purpose of contracting themselves out of the Bill. He begged to say that his hon. and gallant Friend made no such statement. He said there might be cases of the kind. It appeared to him (Mr. Rodwell) that the protest of his hon. and gallant Friend had been received with considerable favour by hon. Members on both sides of the House. He thought with regard to the Amendment of the right hon. and learned Gentleman, that had he been in possession of the fact that cases had actually occurred, he might, perhaps, have been justified in providing against them; but, in the absence of proof, he (Mr. Rodwell) thought he was rather casting a slur upon those persons whose rights were, to a certain extent, invaded by the Bill. He trusted the right hon. and learned Gentleman, after the expressions of opinion which had taken place, would not think it worth while to persevere with the Amendment on Report. He did not think that either the landlord or tenant would be likely to do an act of that kind which would carry with it a certain amount of odium, and he trusted the right hon. and learned Gentleman the Home Secretary would spare both the slur which would be cast upon them by the passing of such an Amendment.

MR. CHAPLIN said, he was not going to deal with the question of the Amendment; but there was one point arising out of the discussion which had taken place upon which he thought the

Committee were entitled to further explanation before the matter proceeded. The hon. Member for Northampton (Mr. Labouchere) rose, and, adopting his most conciliatory manner, proceeded to call his (Mr. Chaplin's) hon. and gallant Friend the Member for West Sussex (Sir Walter Bartlett) a "horseleech;" and he added that if any further concessions were to be made to hon. Gentlemen on the side of the House opposite him, that he and his numerous Friends would probably, in the future, resist the further passage of the Bill. It was very desirable for the Committee to know from the right hon. and learned Gentleman whether or not he was going to be influenced by that description of menace; because if hon. Members were to understand that no concessions whatever were to be made to them, it was only fair to tell him that such a course was not likely to conduce to the further progress of the measure. He did not believe it was the intention of the right hon. and learned Gentleman to refuse all further concessions; but, if so, he should feel it his duty to move that Progress be reported.

SIR WILLIAM HARCOURT said, his position was this—the only concessions he had made in the Bill had been made to hon. Gentleman opposite, and how far that had mitigated their opposition it was for the Committee to judge. He had entered into no terms with anybody on the subject, and the hon. Member for Northampton (Mr. Labouchere) knew very well the nature of the statement which he had found it his duty to make. The only course he had to take in the matter was the course he deemed right.

LORD ELOHO said, he thought the Committee had been somewhat hard on his right hon. and learned Friend with reference to that proposal. No doubt, it was novel and suddenly brought in; but he (Lord Elcho) thought it was thoroughly in character with the rest of the Bill.

COLONEL MAKINS said, he wished to ask whether the clause on Report was to include parties who had contracted themselves out of the Act, or whether it was to include those who thought the Bill would not become law?

MR. WARTON said, he entertained the strongest sense of the unfairness of the proposal, and he thought the Com-

mittee ought not to allow it to be withdrawn. He should divide against the Motion.

EARL PERCY said, he sympathized with the views of the hon. and learned Member for Bridport (Mr. Warton), because he thought that all that difficulty had arisen out of the reckless way in which the Amendment had been introduced. He had no wish whatever to retard the progress of the Bill; but he must say that if a division must be taken, and it was open to discuss the question, he should be obliged to go at some length into the subject, which was a most important one. The present was the only chance he should have of doing that, unless the hon. and learned Member withdrew his opposition to the withdrawal of the Amendment.

MR. GIBSON said, he hoped the hon. and learned Member for Bridport (Mr. Warton) would not press the matter to a division, and that the Amendment would be allowed to be withdrawn.

Amendment, by leave, *withdrawn*.

Amendment proposed, in page 2, line 7, to leave out the word "reservation."  
—(*Sir William Harcourt*.)

Question, "That the word 'reservation' stand part of the Clause," put, and *negatived*.

Words *struck out* accordingly.

CAPTAIN MAXWELL said, he rose to move, as an Amendment, in page 2, line 13, to leave out the word "not." He did so not with any idea of pressing the Amendment to a division, but simply to bring under the consideration of the Government the cases of Scotch farmers under lease. He had presented a Petition from the county which he represented (Kirkcudbright) objecting to this 5th clause. That Petition declared that in Scotland, where leases generally existed, Scotch farmers would not be brought under the operation of the Bill for many years. With all due deference to the right hon. and learned Gentleman the Home Secretary, he (Captain Maxwell) must say that he thought it would be far more expedient, as well as wiser, to bring in a separate Bill for Scotland, for the cases of the farmers in England differed very materially. In England, most of the farmers were tenants at will; and, therefore, if they had

any complaint to make to their landlords in regard to the over-preservation of game, they had at least the opportunity of giving short notice of giving up their farms; whereas, in Scotland, farmers were bound by their leases, which were usually for long terms of years, and unless they were freed from the conditions in them as to game, they could not escape from them, and this Bill would be consequently of no benefit. The cases of the Scotch farmers were entirely different from those of the English farmers, and if this Bill passed without alteration, it would create great irritation in Scotland, because farmers would come under its operation at different periods. Take the case, for instance, of three men who had farms under leases. *A*'s lease expired next year, and, after that time, he would have the rights given him by this Bill; but *B* and *C* had leases running over 10 or 12 years, and the consequence would be that *A* would have the privilege of killing the ground game on his farm, while *B* and *C*, who rented land contiguous to his, would not. *A*, of course, would drive all the hares and rabbits off his farm by shooting, and they would go to the farms of *B* and *C*, who would, thereby, be very much prejudiced. He did think that that made out a very strong case for the consideration of the Committee, especially as that grievance of game was originally emphatically a Scotch grievance, mainly because Scotch farmers were not able to get rid of their leases. When a Scotch farmer applied for a farm, he was obliged to take into consideration certain facts in connection with the farm, and those facts guided him in his decision as to the rent he should pay. One of those facts was, of course, the amount of ground game on the farm when he applied for it. After he had taken the farm, however, that ground game might be very largely increased. He knew that it would be said that the farmer signed a contract with his eyes open; but, of course, when he signed this contract, he believed that the amount of ground game would not be above the average during the currency of his lease. But he (Captain Maxwell) maintained that it was a fact that in many cases the ground game had been increased very largely of late years, and, therefore, he did ask the Committee very strongly



to take into consideration this question. He did hope, when the right hon. and learned Gentleman the Home Secretary brought up the Bill on Report, that he would be able to give Scotch farmers some hope that at some definite period, say five years hence, he would make the Act apply to all farms in Scotland, whether they were under lease or not.

Amendment proposed, in page 2, line 13, to leave out the word "not."—*(Captain Maxwell.)*

Question proposed, "That the word 'not' stand part of the Clause."

SIR WILLIAM HARCOURT said, this was a very important question, and he was perfectly aware of the feeling of the great body of Scotch farmers on the subject. From the moment he introduced the Bill, and, indeed, from a period long before that, he had taken this matter into his careful consideration. He knew perfectly well that its provisions would place occupiers who held leases in a less favourable position than those who were merely tenants from year to year; but the Government, in introducing the measure, did not think themselves at liberty to touch existing contracts. The language of confiscation had been very lavishly, and, as he (Sir William Harcourt) thought, foolishly applied to the Bill by people who always used that word just as other people were in the habit of calling everybody who did not hold their particular creed an Atheist. It was merely a word of abuse; for all who did not like the measure called it a measure of confiscation. Confiscation, he thought, consisted in taking something from a person which he possessed. The Bill took away nothing that a man possessed; it merely prescribed certain terms by which he was to be bound whenever he made certain contracts. After its passage, therefore, a person would only make contracts subject to the condition that the game was to belong to the tenant, and not to himself, and he would arrange his contract upon that basis. Everybody who knew the meaning of words knew it was silly to call that confiscation. It was a common thing that people had to make contracts upon such a basis. It was, however, a very different thing, when persons had already made contracts upon

one basis, to alter or change those contracts; that was a totally different thing from saying that a contract was to be made on bases known to both parties. There was a great difference between a new contract which had to be arranged and an old contract which had been arranged on different terms. It was for that reason that the Government thought it was necessary that existing contracts should be saved from the operation of the Bill. He admitted that it was a difficult matter to deal with; but he did not at all see how it was possible to arrive at a different result in cases of this description. A man who had made an engagement was entitled to say that he ought to have what he had bargained for before the Bill, and that the bargain that he had made ought not to be interfered with. For that reason, he could not see his way to agree to the Amendment.

MR. CHAPLIN said, if the right hon. and learned Gentleman had wished to invite discussion, he really did not think he could have adopted a course more likely to accomplish his object than by making the exceedingly gratuitous and uncalled-for attack which he had just thought fit to make on hon. Gentlemen on that side of the House. He (Mr. Chaplin) had said, and believed, and would believe, despite what had fallen from him, that this measure embraced the principle of confiscation. The right hon. and learned Gentleman had been good enough to call hon. Gentlemen on that side of the House, who held that opinion, foolish, ridiculous, absurd, and silly. He (Mr. Chaplin) begged leave to tell the right hon. and learned Gentleman that he would do far better, instead of lavishing his senseless abuse on the arguments of hon. Gentleman on that side of the House, if he would endeavour to adduce some argument of his own to disprove the statement they had made. He would take the definition of confiscation out of the right hon. and learned Gentleman's own mouth. He said confiscation consisted in taking away from a person that which he possessed. By that definition he would test the value of the assertion which he made during that debate. Who possessed at that moment the right of shooting around game? Why, the landlord, as a general rule. [An hon. MEMBER: The tenant.] Well, what was the object of the Bill, then, if the tenant had it now?

*Captain Maxwell*

Why should they introduce the Bill if that were so? It was absurd to say that, for everybody knew, at the present moment, that landlords, generally speaking, did possess the sole right of shooting. Then, by this Bill, they were going to take away that sole right from the landlords, and were going to give it to the tenants, or, at any rate, they were going to do what the right hon. and learned Gentleman said was confiscation—namely, they were going to take away from a person that which he possessed. Until the right hon. and learned Gentleman was able to adduce some argument to prove that that was not the case, he would do well to abstain from using such strong language.

CAPTAIN MAXWELL said, he would withdraw his Amendment; but he wished to record his protest against the Bill as it stood, because he thought it was most unjust to the farmers of Scotland not to give them some redress. He had, however, put his protest on record, and that was all that he felt it possible for him to do.

Amendment, by leave, *withdrawn*.

MR. J. W. BARCLAY said, the farmers of Scotland felt so strongly about that question, that he would give the hon. and gallant Member who had just sat down (Captain Maxwell) an opportunity of recording his opinion by going to a division. He had listened with very great care and attention to the arguments of the right hon. and learned Gentleman the Home Secretary. The principle of the Bill he understood to be, that in the public interest, leaving out of the question the owner and occupier, the latter ought to have a right in every case to protect his crops from damage by ground game. That had now become necessary, not only in the interest of the tenants, but of the public at large. Upon that principle, it seemed to him, so far as he could judge, that Parliament was bound, in the public interest, to make these clauses applicable at once to all occupiers, giving compensation, of course, to those parties who were directly injured by that proceeding. He would define confiscation to be the taking away of property without giving compensation for it. He did not propose to do that at all. His suggestion was, that in every case the tenant who wished the farm he occupied to come within the

operation of the Bill should pay such compensation as was fair and reasonable to his landlord. This question of ground game peculiarly affected Scotland, and if the Bill was not made applicable to existing leases it would be exceedingly hard on the Scotch tenants. As was admitted on both sides of the House, this game question was raised principally in Scotland, and it was a grievance from which they had long suffered. Now, however, that they had pressed it so far that the matter had been taken in hand by Parliament, it was very hard indeed on them that they should miss the protection and the benefit which English farmers were about to derive from the Bill. He (Mr. J. W. Barclay) should be sorry to say that the measure was a sham; because, even as it was, it would give, by-and-bye, a very substantial measure of relief to tenants in Scotland; but it did seem to him rather a long day for the reform of an abuse to do so by a Bill payable in 19 annual instalments. The leases in Scotland were mostly for 19 years, and many Scotch farmers feared they would not live to derive any benefit from the benevolent intentions of Her Majesty's Government; and it would be on an average 10 years before the law took effect in Scotland. If the question were not settled now, it would certainly be raised at the next General Election, and the result would be that the Government of the day would have to bring in a measure amending this Bill. It would be much better to deal with the question finally. He knew that some hon. Gentlemen were quite willing that the game question as between landlords and tenants should be left as an open sore to push on the complete reform of the Game Laws. He did not take that view himself, and he was very anxious that the Bill should be a permanent settlement of the question. He therefore urged upon Her Majesty's Government to accept the Amendment he was about to propose. If they did not, the tenants would have a right to complain that instead of keeping hares and rabbits for their landlords only, they had to keep them for their neighbours also. As a result, tenants not under the provisions of the Bill would suffer more than they did before, because the effect of the measure would be to drive hares and rabbits from farms where shooting was allowed to others where they could

not be killed. The landlord also would not benefit; because, if two or three tenants could kill game under this Bill, the effect on his exclusive sporting right would be just as much as if they all had had a similar right. He hoped the Government would accept the Amendment in the interest of both landlords and tenants. His Amendment simply was, that on the farmer giving notice to the landlord and paying him such compensation as might be determined either by a valuator or by the County Court Judge, the farm should be brought under the operation of this measure.

#### Amendment proposed,

In page 2, line 16, after the word "Act," to insert the following proviso:—"Provided always, That in every case where a tenant holds under a lease existing at the passing of this Act, and the lessor or some person other than the tenant has the right to kill ground game, the tenant may give notice in writing to his lessor that he intends under the provisions of this Act to kill and take hares and rabbits upon the lands occupied by him, and upon such notice being given, and upon payment by such tenant to his lessor, during the term or currency of such lease, of such annual stipulated abatement or allowance from the rent, if any, as may have been expressed in such lease in consideration of the reservation therein by the lessor of the right to kill hares or rabbits, or where no stipulated abatement or allowance from the rent is provided by such lease upon payment by such tenant to his lessor during the term or currency of such lease, of such compensation, if any, as may be agreed on or may be fixed by a valuator, to be named by the county court judge and by the sheriff in Scotland on the application of the lessor or the tenant, it shall be lawful for such tenant to kill and take hares and rabbits as provided by this Act; and provided always, That where a lessor has by contract conveyed his right to take and kill ground game to any person other than the tenant for valuable consideration for any period, the said abatement or allowance from the rent or the said compensation shall, during such period, be paid to such person instead of to the lessor."—(*Mr. J. W. Barclay.*)

Question proposed, "That those words be there inserted."

MR. A. ELLIOT said, he wished to urge upon the Government that really this was a concession which might very properly be made. He entirely agreed with what the right hon. and learned Gentleman the Home Secretary had stated, that limitations which had been introduced into the measure were all of them at present concessions to hon. Members opposite. He knew that the farmers in Scotland would like the Bill to apply to existing leases. That, how-

ever, was not the sole question for the Committee to decide; for it must also inquire, not whether the Scotch farmers wanted this Amendment—and it was natural for them to want it—but whether the Bill could be fairly and justly applied to them. Having listened to what had been said, and having considered the matter carefully for himself, he did think it was perfectly possible, by means of compensation, to do justice between the parties, and to bring the Bill everywhere into operation at once. He was quite sure the right hon. and learned Gentleman the Home Secretary, if he could, would agree with them on this point; because, if some Amendment of this kind were not made, the Bill really would not apply in Scotland at all until well on in the century; while, in Ireland, where 30 years' leases were in vogue, they would be fairly well into the next century before it would apply everywhere. As regarded yearly leases, as to which this Bill would come into operation very quickly, the Bill, in his (*Mr. A. Elliot's*) opinion, would have very little effect at all; because he had never yet been able to understand, if tenants were not able to protect themselves as the law at present stood, that they would be able to protect themselves from their landlords under the operations of the Bill. Such tenants would not be able to resist the pressure put upon them to forbear from the exercise of their rights. But whilst he objected to the principle which underlay the Bill, he wanted to make the best of it that could be made of it, and to give it a practical effect. It was perfectly clear that if a farmer had taken land without the right of killing game, he calculated the value of that right in rent he paid; and it, therefore, would be unfair to apply the Bill to the existing state of things without the tenant paying compensation. But, on the other hand, he could not see that there was any great difficulty in arranging what the value of that ground game was, and in making a fresh arrangement at once. He could not see why the landlord and tenant should not be allowed to agree as to the increase in the letting value of the land which would be brought about by these rights being transferred to the tenants; and, therefore, he ventured to think, as far as the case between the landlord and the tenant was concerned,

*Mr. J. W. Barclay*

that the better thing to do would be to bring the Act into immediate operation, and to allow a compensation to be paid. As regarded confiscation, it was very irrational to apply such a word to such an Amendment, because it should be easy to make sure that proper compensation was paid. It seemed to him, therefore, that hon. Gentlemen did carry their notions of not interfering with existing rights to an extraordinary extent. Every change in the law to some extent affected existing bargains. Every new addition to the Mines Regulation Act added so much to the cost per ton of the coal which was won; and yet if a man had made a contract to supply coal for so many years at a certain price, the effect of the Act was that he made a smaller profit than he otherwise would have done. They could very well have regard to all interests, could give substantial protection, and yet could very well pass this Amendment. He only wished that those who had leases and those who had not should be put in exactly the same position. Most of the shooting in Scotland, also, was grouse shooting, and, therefore, it would be very little affected by the Amendment. He had supported the proposal of the right hon. and learned Gentleman; but he would suggest to the Government that it would be far better to make the Act apply after the next shooting season, and then to apply it everywhere. By that means reasonable notice would be given to all parties; they would be able to make fresh arrangements, and no harm would be done to anyone.

MR. R. BRUCE said, he understood that the right hon. and learned Gentleman the Home Secretary definitely declined to make the Bill apply in any way to existing leases; but it appeared to him that the Act ought to name some date on which it should come into general operation, otherwise some occupiers of land might be kept out of the benefit of the Bill for a very unreasonable length of time. He was himself acquainted with instances where the right to kill game was separated from the occupancy, under a lease of 999 years, and he could hardly suppose the Government would wish that the occupier should wait until the expiration of his lease before he had the benefit of this Act. There was, of course, much room for difference of opi-

nion as to the exact time when the Bill should come into general operation; but it seemed that three years hence, or the commencement of the shooting season of 1884, would be a very suitable time, and was preferable to the immediate application which was proposed by the hon. Member (Mr. A. Elliott). The right hon. and learned Gentleman the Home Secretary had said that one of the principal objections to this Amendment was that it would give rise to great difficulty in assessing the compensation. That difficulty, of course, would be greatest in cases where the game was let, and where there were, consequently, three people having rights over the land—the landlord, the shooting tenant, and the agricultural occupier. By fixing a date for the Bill to come into general operation three or four years hence, they would give sufficient time for shooting leases to expire; and during those three or four years there would be ample opportunity for the making of fresh arrangements. He was sure the right hon. and learned Gentleman the Home Secretary himself was desirous of putting all tenants on the same footing; and, therefore, if this Amendment were accepted, he (Mr. R. Bruce) believed that amicable arrangements would, in every case, be made between the landlord and the tenant, and there would be no need to go to the Courts to settle the question of compensation. If, however, his hon. Friend went to a division, he should vote for him; though, at the same time, he was of opinion that it would be far better to get over the difficulty in the way he had suggested.

MR. GIBSON said, he desired to point out that this Amendment in reality was opposed to the principle contained in the 5th section of the Bill. In substance it was opposed to it, and in principle it was unquestionably so. The reasoning of the right hon. and learned Gentleman applied against that Amendment equally as it did against the last. Of course, the wording was different, but the substance was the same. What was the principle sought to be maintained in the 5th section? That no existing contract should be interfered with. This Amendment said that existing contracts should be interfered with; and though it also said that the interference should be accompanied by compensation, yet the principle remained the same. The fact that

the Prime Minister on the 19th of July. When the right hon. Gentleman was asked whether he would give facilities for continuing the discussion on the Sale of Intoxicating Liquors on Sunday (Wales) Bill, he used these words—

"I think it will be admitted that we are too far advanced in the year to have any hope of having an impartial discussion of the subject such as hon. Members would desire."—[3 *Hansard*, ccliv. 773.]

Therefore, it appeared that, though in the opinion of the Prime Minister the 19th of July was too late to discuss the Sale of Intoxicating Liquors on Sunday (Wales) Bill, the 20th of August was not too late to discuss measures which affected the interest not of Wales alone, but of every part of the United Kingdom. He would give one or two examples of the inconvenience which had arisen from discussing important questions at that extremely late period. It would be in the recollection of the House that the most important measure which had hitherto occupied their time was the Employers' Liability Bill. Now, in connection with that Bill, the most important Amendments, in the opinion of large numbers of Members of the House, both of those opposed and those not opposed to the Bill, was a clause proposed by the hon. Member for South Durham (Mr. J. W. Pease), and a clause proposed in a similar sense by the hon. Member for Wigan (Mr. Knowles), dealing with the subject of insurance. The first time that question came on was at half-past 2 or 3 o'clock in the morning, when the House was worn out by a Sitting of 12 hours. The next time it came on both the hon. Members he referred to had left the House, and the Committee lost the advantage of their opinions on the most important question that was connected with a most important Bill. In the same Bill an Amendment was moved by the hon. Member for Bedfordshire. He recollected, that when that Amendment was proposed at half-past 2 in the morning, the adjournment was moved by the hon. Member for Bridport (Mr. Warton), and the right hon. Gentleman who had charge of the Bill (Mr. Dodson) got up and asked the House not to adjourn at that hour. The hon. Member for Bridport on that recommendation withdrew his Motion, and the Bill was proceeded with at the special request of the Go-

vernment. He recollected that the hon. Member for Bedfordshire could not get his Amendment adequately discussed, and he had to write to a daily paper and request the House of Lords to consider the Amendment which the House of Commons failed adequately to discuss. He could multiply examples of the inconvenience that had arisen from the length of their protracted Sittings. Only last night an incident had occurred which proved the perfunctory manner in which the Business was got through. The Merchant Shipping (Carriage of Grain) Bill was brought on at half-past 2 in the morning, and passed through the whole stage of Committee between that hour and 4 o'clock, in the absence of the hon. Member for Hull (Mr. Norwood), who took a special interest in the subject. Was there anything in any of the Bills brought under notice of sufficient urgency to make it justifiable in the Government to adopt that unusual course? The two Bills which had occupied most of their time were the Compensation for Disturbance (Ireland) Bill and the Employers' Liability Bill. With regard to the Compensation for Disturbance (Ireland) Bill, he believed no one regretted its introduction more than the Members of Her Majesty's Government. They must have known perfectly well when they introduced it what would be its fate, if not in that House, in "another place." He did not hesitate to say that it had gone to the limbo of abortive legislative efforts unhonoured and unmourned by any single person on either side of the House, including the Gentlemen from Ireland. The other Bill which occupied most of their time was the Employers' Liability Bill—a Bill, he admitted, of very great importance, but one of which those who were most ardent in its support would not for a moment say that it could be considered a final measure. Everyone acquainted with the subject must be perfectly aware that another Bill, dealing with the same subject in a more logical manner, must be brought in not many years hence; and yet these were the two Bills for which the Government had asked the House to sit on until, he was afraid, the middle of September. That Bill being admitted to be of no pressing character, he should like to know what was the justification which the Government alleged for the course they had pursued?

• *Mr. A. J. Balfour*

He had devoted some time, and all the ingenuity at his command, to discover the motives by which they were actuated. The first thing which occurred to him was that they were making a strong effort to show that the General Election had cut the Session in two; but it was the duty of the Government to cut their coat according to their cloth, and not endeavour to force measures through in the short time at their disposal, and when it was impossible that those measures could be fully and fairly discussed. The Government might, perhaps, allege that their calculations were upset by unexpected Business taking up the time of the House at the beginning of the Session. There was the Business of the hon. Member for Northampton (Mr. Bradlaugh); but if there was a waste of time on that subject, it was largely owing to the manner in which the Government themselves conducted the question. [*Opposition Cheers.*] Perhaps hon. Members opposite would remember the pressure the Government had put on them—the exertions the Government had to make—in order that they should return on the first vote they had given. Then there was the Compensation for Disturbance (Ireland) Bill. If ever a Government dug a pit for itself to fall into it was that Bill. They must have known the opposition they would have met with in that House, and the fate which was before the Bill in “another place.” Then, when he looked to the state of the House, it should be remembered that, supposing the constitution of Members as vigorous as it was in June, they were wearied, and the Government knew they would be absent, and they must take the House as it was. There was still another excuse that might be put forward in defence of the Government. They might say Business had met with undue obstruction. He was not aware that any Minister had made that complaint but the Home Secretary; but, still, the accusation had been made, both in the House and out-of-doors. He did not deny that those who made that accusation were wise in their generation. There was no accusation more easy to make, or more telling, or more difficult to refute. Those who were new to the House—and he believed there were 220 new Members—might naturally be induced to believe that if they heard remarks which were irrelevant

or untimely, they might imagine the Business of the House was being obstructed; but it required no knowledge of the House to be aware that when Business was discussed by a large number of hon. Gentlemen of very different opinions there must be always talkers who had better be silent, and Members who might make Motions when they had better be still. If he were asked to indicate whence, if anywhere, Obstruction proceeded, he should point to the Benches opposite; and he should remind the House of the interminable Amendments, and of the no less interminable speeches delivered by hon. Gentlemen opposite on the subject of the Employers' Liability Bill. He did not accuse the Gentlemen who brought forward these Motions of any intention to talk out the Bill; but, still, if there had been a deliberate attempt to obstruct the proceedings of Parliament, that attempt had its origin, not on the Opposition, but on the Government side of the House. The Gentlemen who originally made Obstruction a bye-word in that House desired to render the whole Parliamentary machine unworkable. They attempted to stop Business, and to bring into contempt a Parliamentary system for which they themselves had no love.

MR. A. M. SULLIVAN wished to know whether, as neither Mr. Raikes nor Mr. Lowther was in the House, those remarks were in Order?

MR. A. J. BALFOUR proceeded to point out that the result of stopping legitimate criticism by accusations of that sort would be to interfere with the proper relations of Parliament quite as effectually as Obstruction itself could do. He had disposed of all the justifications, as far as he was able to discover them, which the Government might urge in defence of their conduct; and he would now point out the evils which must necessarily result from the action which the Government had been pleased to take in this matter. Towards the end of the Session, and as the House began to thin, the power of the Government day by day increased. Full discussion became more and more impossible, not only because the Members who criticized were away, but because the Members who ought to listen were also absent. For more than half this Session the Government had had powers which no Government ever before possessed for carrying on Business. About the 14th of July the Prime Minister

came down and asked that Wednesdays should be taken for Government Business, and soon afterwards Fridays were also taken. The Prime Minister remarked that previous Governments had at that period of, the year always asked for exceptional powers. But the right hon. Gentleman forgot, in deciding the date at which the Government should obtain exceptional powers, that regard ought to be had not only to the time which had elapsed since the beginning of the Session, but likewise to the time which had still to run before the end of the Session. The result would be that before the Session closed at least half the time would have been occupied with Public Business, and the Government would have taken every single day of the week except Friday at 9 o'clock. No previous Government ever had such powers. They also had Mondays for Supply, which no Government every had before, except the late Government during the Session at the beginning of this year. Independent Liberals, who then protested against that privilege being granted to the Government, appeared now to have got over their scruples. He did not see any protection against the autocracy with which the House was threatened, except the endurance of right hon. Gentlemen on the Treasury Bench. He supposed there was a limit after which even the endurance of Ministers would not hold out; and when the only Gentleman capable of leading the House was a junior Lord of the Treasury, the Government might then be forced to reconsider the policy they had adopted. A tyranny and absolutism of that sort was not one which they should desire to continue to exist. This house could not now properly attend to Business, and the other House was reduced to even a worse condition—not, he was bound to say, from overwork, for they had sent up hardly anything to the Lords this year. As the other House was not in a position to give adequate attention to Government Bills, he maintained that the Government were not carrying out their proper function when they attempted to legislate under such conditions. They went to the country at the last General Election and abused the late Government for carrying on important transactions behind the back of Parliament. They alleged that certain matters had been kept back which it would have been

proper and expedient for Parliament to consider. Even if that allegation were true the late Government had only prevented the House from doing what it could never do adequately—namely, discuss the details of foreign negotiations while they were in progress. The present Government had made that discovery since they were in Office. But the present Government desired to prevent the House from discharging its proper function of discussion in all their details, and in the presence of all the Representatives of the people, the measures brought forward for its consideration. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "that" to the end of the Question, in order to add the words "it is inexpedient, in the interest of Public Business, that important measures should be brought under the consideration of the House at a period of the Session at which it is impossible that they should receive adequate discussion," — (Mr. Arthur Balfour.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

#### THE MARQUESS OF HARTINGTON:

It appears to me that the hon. Member for Hertford, in the course of his observations, made several assumptions which were scarcely constitutional, as to the knowledge possessed by this House of the proceedings of the other branch of the Legislature. The hon. Member assumed that Her Majesty's Government and the majority in this House know, or ought to know, what would be the fate of a certain Bill in "another place;" and towards the close of his observations he expressed his opinion that the other branch of the Legislature was not now in a condition to conduct the Business of Legislation. Now, Sir, I am rather inclined to believe that we have no right, unless we receive some communication of a formal character, to ground our Business or our deliberations on any knowledge derived from hearsay of the state of the other Chamber. There is a great deal in the Motion of the hon. Member, and there are some things in his speech, with which I am extremely disposed to concur. I quite agree with him that it is inexpedient

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dient and highly undesirable that important measures should have to be brought under the consideration of Parliament at a late period of the Session. Hon. Gentlemen opposite are wrong if they think—I am not sure whether the hon. Gentleman said it, but it has been said in the course of this Session—that there are no precedents for the course the Government are pursuing. I believe there was a precedent in the year 1835. [“Oh, oh!”] The precedent of that year was absolutely applicable to the present time, when the House met at very much the same time of the year as this House met, when it passed some of the most important measures ever enacted, and when the King’s Speech on the Prorogation of Parliament was delivered on the 10th of September. But I do not think it necessary to go back to precedents, or to avail myself of any one of the excuses which the hon. Member has been good enough to suggest as the defence of the Government. I have said I am perfectly willing to admit that it is highly inexpedient that important Business should be transacted when the House is exhausted, and when many hon. Members are absent. But cases frequently arise in which it is impossible for anyone to do that which he would desire to do, or that which is absolutely good in itself, and where he has only a choice of many evils before him. I think it can be shown that the course the Government are taking now, and in which they are supported by a large majority of the House, is the only course which they could have taken; or, at all events, is the course attended with least evil and inconvenience, and that, in the position in which the Members of the Government found themselves, it was impossible to take any other course. I am willing to admit there is a sort of unwritten law that measures of great importance should not be taken late in the Session. That sort of understanding, no doubt, has existed, and it is desirable that it should exist. But I entirely deny that there is any hard-and-fast rule on the subject, because the inconvenience of any such hard-and-fast rule would be obvious and would be very considerable. It is quite obvious that if any rule of that kind existed, where two or three measures of considerable importance were introduced at an early period of the Session, it would

be open to Members to take objection to Bill No. 2 or 3, and to prevent discussion and to protract consideration until a late period of the Session; and certainly no facilities should be given of turning what is a convenient understanding into a hard-and-fast rule. If there has been on the part of the Government and the House an understanding of the kind referred to, there has also been a correlative understanding, equally convenient in its way, that Bills introduced at an early period of the Session should be discussed within moderate bounds and limits. The understanding as to when important measures should not be taken is, as I have said, convenient and desirable; but that convenience must be subject, above all, to the interests of the country; and I believe there are few hon. Members who will deny that the country, as represented by the constituencies, does require legislation, and that there are many subjects on which legislation is necessary. That is a proposition which, I think, was sufficiently proved by the result of the General Election. The majority of the Members of this House are undoubtedly pledged to support a Government which will introduce legislation upon a great variety of subjects. I do not know how we can have any plainer or more authoritative expression of the opinion of the country than that of Members of Parliament who are fresh from a General Election. Well, if that be the case, if it be the case that the country which has sent us here does desire legislation, and if the necessities for prolonged discussion are so great as the proceedings of this Session have proved them to be, what alternative is left to the Government and the House but to protract the Session somewhat beyond the limits which it is usually convenient to observe? I have referred to the necessity which seems now to exist for much fuller discussion than seemed formerly to exist. I think no one will deny that. I think anyone who has sat in this House for any considerable period will be willing to admit that every question—questions of legislation and questions that are raised for general discussion—are discussed now at much greater length, and in much greater detail, than formerly. I think that a great many measures of former times—measures of quite as great importance in principle, and at least



equal in complexity, to any that have been introduced in recent times—were discussed in this House with much less expenditure of speech, with much less expenditure of time, and I think that those Members who recollect those debates will say that they were at least as deeply discussed, both as to principle and as to the details which they contained. There is no question which can require, as some hon. Members appear to think, unlimited discussion. It is an entirely novel principle that a discussion should not be considered terminated as long as there is any hon. Member who has anything to say about it, and who is able and willing to say it. No doubt, the conditions of Public Business have changed of recent years. Many more Members are competent and willing to take part in discussions, and a greater sub-division of interests exists; and there is, perhaps, more occasion for protracted debates than there used to be. But I cannot help thinking that some of the increased prolixity of debate has arisen from causes over which the House ought to have some control. My right hon. Friend at the head of the Government pointed out the other day that the practice had greatly increased of multiplying the occasions for discussing the principle of a measure which had been already fully debated. My right hon. Friend might have gone further, and quoted many instances, both in the present and in the late Parliament, in which details of measures have been discussed on the second reading, and in which the principles of measures have been discussed over and over again in Committee. I think if the House tolerates or encourages an undue extension of the opportunities of discussion, both of the principles and of the details of measures, it tolerates that which it has within its control, and which it ought, in the interests of Public Business, to exercise some control over. Let the House consider for one moment the facilities which now exist for absolutely unlimited discussion in the absence of any self-control on the part of hon. Members. Some of the Bills which come before the House are of great length and complexity, and necessarily lead to prolonged discussions; but even in the case of Bills of a simple character the practice now existing permits hon. Members to discuss the question of principle not only on the second reading, but in every clause

and in every Amendment to a clause. With one exception, the Bills introduced by the Government this Session were Bills of an extremely short and simple kind. That exception was the Employers' Liability Bill; and I do not for one moment complain of the discussions which took place upon that measure. Whatever may be thought of the Compensation for Disturbance (Ireland) Bill, that Bill contained a very simple principle—[*Ironical Opposition Cheers, and* An hon. MEMBER: Confiscation!—and I do not know, if the old-established form and practice had been regarded, what excuse there was for any hon. Member to take any other opportunity than the legitimate one of discussing the principle of the Bill on its second reading. Some hon. Gentlemen cheer my remark that the principle of the Bill was simple; but, notwithstanding its simplicity, it took the House 11 nights to discuss it fully, and then one or two other partial discussions. Then there is the Hares and Rabbits Bill, which we have been discussing lately. That is not a Bill of a complicated character. The principle which it contains is one that is easily understood; and when the House decided, without a division, upon its second reading, one would have thought that a continual reference in Committee to its principle was unnecessary. But it does not in the least facilitate the passage of a Bill that its principle should be clear and simple, and its provisions short; because, by the Forms of the House, the clearest and most intelligible measure may be converted into a code of the most complicated description, containing all manner of provisions subverting the principle of the Bill. These are the facilities which are in the possession of hon. Members for unduly protracting the labours of the Session, though this enumeration does not exhaust them. Take the case of Committees of Supply. We have more than 200 Votes to pass, and if hon. Members think it is their duty to their constituents to take advantage of these 200 Votes to discuss once a year the whole of the principles which underlie our Administrative Departments, and every detail of those Administrative Departments, how is it possible that the House can either, within a convenient or inconvenient time, devote itself to other Business? But that is what has,

*The Marquess of Hartington*

to a very great extent, been done this Session. The hon. Member has given the House some illustrations of his argument. I will not follow him into them; but I will give the House an illustration of how these facilities for protracting debates may be used, and have been used within this short Session by some hon. Members of this House. Let the House understand that I am not bringing any charge against any hon. Member. Any hon. Member who is in the possession of the most unlimited powers of protracting the debate, so long as the Speaker does not tell him that he is wilfully obstructing the Business of the House, is in a position in regard to which I do not know that any Member has the right to blame him. Let me just show how these facilities are availed of by some hon. Members. I had the curiosity to have an inquiry made into the number of speeches delivered by some active Members of this House. I do not know that I have selected those Members who have most distinguished themselves. I find in the records of *Hansard* and *The Times*—and I am afraid I shall hardly do justice to some of those hon. Members, for in cases where our discussions have been protracted into a late hour of the night, they have not been reported at all, and, consequently, they have found no public record—but I find from these sources that the hon. and learned Member for Chatham (Mr. Gorst) has spoken 105 times, and has asked 18 Questions; the hon. Member for Portsmouth (Sir H. Drummond Wolff) has made 68 speeches, and has asked 34 Questions; the noble Lord the Member for Woodstock (Lord Randolph Churchill) has made 74 speeches, and has asked 21 Questions; the hon. Member for Cavan (Mr. Biggar) has spoken 58 times, and has asked 14 Questions; the hon. Member for Ennis (Mr. Finigan) 47 times, and has asked 14 Questions; and the hon. Member for Queen's County (Mr. A. O'Connor) 55 times, but he has only asked two Questions. In fact, I find that six Members of the House, within the limited period of the Session, have made 407 speeches. I believe what I have been hitherto considering have been facts which can be verified; but I am going for one moment into the region of speculation, and, if I am wrong, any hon. Member can correct it by a speculation of his own. I do not

think it will be unfair to say that every one of these speeches averages ten minutes. ["No, no!"] Well, it does not in the least matter, for my purpose, whether they average ten minutes or five. My calculation is on the basis of ten minutes for each speech, and, of course, I have made no estimate of unreported speeches late at night, or of the amount of time consumed in the discussions provoked by those speeches. Suppose these 407 speeches occupy 4,070 minutes, or 68 hours. In a House of Commons week we have 37 working hours—eight on an ordinary night, and five on Wednesdays. According to the calculation, these six hon. Members occupied nearly a fortnight of the available working time of the Session. I am not making the slightest complaint of the activity of these hon. Members, though I do not know that they have any overwhelming or superior claim to engross the attention of the House over that which is possessed by many other hon. Members; but I find that if the remaining 642 Members thought it necessary to speak as often and at the same length as the hon. Members I have referred to, it would take 215 weeks, or something over four years, to get through the ordinary Business of a Session. And these efforts of these hon. Members have been all made in the comparatively short space of three months. The Session usually extends over six months, and it is not unfair to assume that in such a time their activity would have been doubled, so that the whole House, if all were equally active, would require for a single Session a period of eight years. It is, therefore, perfectly immaterial to my argument whether I give an average of ten minutes or five, for if I reduced the speeches to five minutes in duration, I should only prove that the House by following their example would occupy the period of four years for the work of an ordinary year, which, as has been observed by Euclid under similar circumstances, is absurd. I have not used, nor do I intend to use, the word "Obstruction;" but we have it on the best authority—the authority of the hon. Members themselves, and I am therefore bound to accept it—that their object has been, not to obstruct, but, on the contrary, to assist the Business of the House; but what would be the consequence if all the Members of the House were to assist the Government in

the same way? What I want the House to consider is if, with these unlimited facilities for discussion, instead of desiring to assist the measures of the Government, these six Members had shown equal activity in a desire to obstruct, what would then have been the effect! These are some of the consequences which arise from the mode in which we conduct our Business, and these are some of the difficulties which force the Government to take the course so strongly reprobated and condemned by the hon. Member for Hertford. After what I have stated, I think it is quite unnecessary for me, as I began by saying, to fall back upon any of the excuses which the hon. Member was good enough to offer the Government. After the examination I have made of the assistance we have received from the hon. Gentlemen I have mentioned I am astonished, not that we should be here to discuss measures of importance, but that we should make so much progress as we have made, and that we should be so near, as I hope we are, to the conclusion of our protracted labours. But, seriously speaking, it seems to me a matter for the consideration of the House that all this should have been done in the name of freedom of discussion. It appears to me that no phrase can be more grossly misused to describe the state of things that might possibly exist. There is, in fact, freedom of discussion for some hon. Members, but for the great majority none at all. What is possible, what may happen, what does happen to a certain extent, and what I fear in future Sessions may happen to a still greater extent, is an unlimited, a forcible, and an uncontrolled appropriation of the time of the House by any Members who have sufficient self-confidence and sufficient disregard of the opinion of the majority of the House on both sides to avail themselves ruthlessly of their privileges. It may be freedom of discussion to them; but it is the complete exclusion from discussion of a vast number of Members, and the enforced silence of many a Member who has at least as much to say—perhaps more—on our most important discussions as those whose voices are so frequently heard, and whom the House would as willingly—perhaps more willingly—hear. Sir, these are no new opinions I have uttered, as I expressed them in the last Session of the late Parliament. My opinion is that the

grievance is one which, if the House does not shortly express its opinion of it, may become intolerable, and which is not far from having reached that point now. My opinion is that when the House and the country understand what is the real nature of the circumstances which have made it necessary to discuss important measures at this period of the Session, when they discover what is the real nature of those causes, they will be more inclined to reprobate and censure a system of procedure under which the protraction of debate is possible, and to justify the Government in not having abandoned measures which the country desired that they should pass.

SIR STAFFORD NORTHCOTE: We have, Sir, to thank the noble Lord for a very interesting speech; and I am sure that under the melancholy circumstances in which the House is placed, and seeing that we are probably condemned to sit here for a good while yet to come, it is a matter really to congratulate ourselves upon that we have among us one who can enable us to pass an evening so agreeably. I fully admit that there is much force in many of the things the noble Lord has said; but I hope we shall not allow ourselves to be drawn away by the speech to which we have just listened from the really important question which was raised by my hon. Friend, and which, I think, was also raised by many of the statements of the noble Lord himself. The noble Lord has said that this is not the first occasion on which he has called attention to the undue waste of time in the discussions of this House, and I thank him for having made that remark; because it may be of some value to hon. Gentlemen who were not Members of the last Parliament, and who apparently think that there was then no obstruction, and that there never was any obstruction such as they have, or think they have, encountered in the present Session. The noble Lord has unconsciously borne testimony to the fact that it is an evil—if it be an evil—of very recent growth. He has taken the trouble to count the speeches which a certain number of hon. Members have made in the course of the present Session. I very much doubt if it ever occurred to anyone to count the number of speeches made by a single Member in a Session of the last Parliament. I am sorry to say that, not having foreseen

He had devoted some time, and all the ingenuity at his command, to discover the motives by which they were actuated. The first thing which occurred to him was that they were making a strong effort to show that the General Election had cut the Session in two; but it was the duty of the Government to cut their coat according to their cloth, and not endeavour to force measures through in the short time at their disposal, and when it was impossible that those measures could be fully and fairly discussed. The Government might, perhaps, allege that their calculations were upset by unexpected Business taking up the time of the House at the beginning of the Session. There was the Business of the hon. Member for Northampton (Mr. Bradlaugh); but if there was a waste of time on that subject, it was largely owing to the manner in which the Government themselves conducted the question. [*Opposition Cheers.*] Perhaps hon. Members opposite would remember the pressure the Government had put on them—the exertions the Government had to make—in order that they should return on the first vote they had given. Then there was the Compensation for Disturbance (Ireland) Bill. If ever a Government dug a pit for itself to fall into it was that Bill. They must have known the opposition they would have met with in that House, and the fate which was before the Bill in “another place.” Then, when he looked to the state of the House, it should be remembered that, supposing the constitution of Members as vigorous as it was in June, they were wearied, and the Government knew they would be absent, and they must take the House as it was. There was still another excuse that might be put forward in defence of the Government. They might say Business had met with undue obstruction. He was not aware that any Minister had made that complaint but the Home Secretary; but, still, the accusation had been made, both in the House and out-of-doors. He did not deny that those who made that accusation were wise in their generation. There was no accusation more easy to make, or more telling, or more difficult to refute. Those who were new to the House—and he believed there were 220 new Members—might naturally be induced to believe that if they heard remarks which were irrelevant

or untimely, they might imagine the Business of the House was being obstructed; but it required no knowledge of the House to be aware that when Business was discussed by a large number of hon. Gentlemen of very different opinions there must be always talkers who had better be silent, and Members who might make Motions when they had better be still. If he were asked to indicate whence, if anywhere, Obstruction proceeded, he should point to the Benches opposite; and he should remind the House of the interminable Amendments, and of the no less interminable speeches delivered by hon. Gentlemen opposite on the subject of the Employers' Liability Bill. He did not accuse the Gentlemen who brought forward these Motions of any intention to talk out the Bill; but, still, if there had been a deliberate attempt to obstruct the proceedings of Parliament, that attempt had its origin, not on the Opposition, but on the Government side of the House. The Gentlemen who originally made Obstruction a bye-word in that House desired to render the whole Parliamentary machine unworkable. They attempted to stop Business, and to bring into contempt a Parliamentary system for which they themselves had no love.

MR. A. M. SULLIVAN wished to know whether, as neither Mr. Raikes nor Mr. Lowther was in the House, those remarks were in Order?

MR. A. J. BALFOUR proceeded to point out that the result of stopping legitimate criticism by accusations of that sort would be to interfere with the proper relations of Parliament quite as effectually as Obstruction itself could do. He had disposed of all the justifications, as far as he was able to discover them, which the Government might urge in defence of their conduct; and he would now point out the evils which must necessarily result from the action which the Government had been pleased to take in this matter. Towards the end of the Session, and as the House began to thin, the power of the Government day by day increased. Full discussion became more and more impossible, not only because the Members who criticized were away, but because the Members who ought to listen were also absent. For more than half this Session the Government had had powers which no Government ever before possessed for carrying on Business. About the 14th of July the Prime Minister

which may prompt an Opposition to refrain from embarrassing a Government by raising discussions which may possibly be inconvenient. But I hope, if we are challenged in this way, we shall be allowed, before the Session comes to an end, to have some explanation of this remarkable foreign policy, with regard to which we really should very much like to know what the Government have to tell us. If I may judge from the interpretation of the right hon. Gentleman, I presume they rather wish to tell us what they are doing, and what the results are; and I hope that this is an indication that we may soon have a statement on the subject. As I was saying, that does not at all affect my argument, which is that during the present Session the Government have had, so far as any interruption from the Opposition is concerned, a much fairer and freer field than we had. I suppose it will not be denied by anyone that we had to meet a great many Motions and discussions which interrupted the progress of ordinary Business, and that they have not. The Government mentioned in Her Majesty's Speech certain measures which they thought it desirable to bring forward. There was not a word to be said against their submitting those measures for consideration; but since they have done that we have found ourselves—I will not say whether through their fault or their misfortune—engaged in discussions which were not contemplated at the time, and which took up a great deal of time; and they must take into consideration that time has been occupied necessarily by these interruptions. The Compensation for Disturbance (Ireland) Bill was not contemplated at the time of the Queen's Speech. I do not wish to raise now the question whether that was or was not a proper Bill to have brought forward; but I do think that if it was, considering its great importance, it would have been well it should have been mentioned in the Queen's Speech, and that we should have had it brought forward in a more solemn and deliberate way than it was. If you occupy so much time as you did over measures like that which had not been announced, it was not unnatural that you should diminish the time for the discussion of the measures you had announced. I wish to say a word with regard to the character of the measures

which have been actually submitted to us, and especially those to which reference has been made. I do not go into their merits or demerits; but they have been measures of this character—they have touched the interests and social relations of different classes in this country; and when you introduce measures which closely touch such interests, and the social relations between class and class, you must expect that there will be a considerable discussion of those measures, if they are to result in anything satisfactory. If you take upon yourselves to regulate by Act of Parliament the relations between landlord and tenant with regard to game, or if you take upon you to settle the relations between employer and workman in the case of accidents, you must expect that the measures, if they are to be of a final or stable character, will have a great deal of discussion. I complain of that class of legislation when carried too far. I think it is a very great mistake to regulate by Act of Parliament matters which are better left to the freedom of private arrangement; but if you will insist on curtailing individual liberty, if you will insist upon prescribing what everybody is to do and everybody is not to do, you must expect that there will be a great deal of discussion of details, which may, perhaps, appear to you to be unnecessary, with your clear views of the manner in which Parliament ought to deal with those interests. But I say it is very hard upon the House, and hard upon the country, that measures of that sort should be pressed forward in such a manner as at all to cripple the fair and full discussion of them. What have we been doing lately? We have been endeavouring to do what the Chancellor of the Duchy of Lancaster once told us we ought not to do—to drive two omnibuses abreast through a small and narrow space. We have been endeavouring to deal with two large and difficult questions—the relations between employers and workmen, and the relations between landlords and tenants—at one and the same time; and it has been found exceedingly difficult to carry both those measures properly forward, and to give them the discussion which they demand, and, at the same time, to suit the arrangements which the House has been induced to make. I wish to lay stress

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upon the last words. Sometimes we are taunted by the public with being so desirous of getting away to the moors and to other amusements that we will not submit to remain longer at Westminster to conduct the Business of the country. I emphatically deny that there is any justice in that charge. My firm belief is that the Members of the House of Commons, equally on that side and on this, if they have fair warning of what is expected of them, will be found in their places. What I complain of is this—the noble Lord fairly admitted that we have been always led to understand the Business of Parliament would be concluded by about the middle or the latter part of August; and in the present Session we have been especially invited to believe it by the representations made to us at the time we were induced to give up all the days of the week to the Government by the assurance of the Prime Minister that, in the circumstances, he thought it probable the House would not called upon to sit into the last week of August. I say it is not fair to talk of any laxity on the part of the House when they have had this kind of assurance given them. Members have made their plans; many of them have other occupations besides their public duty in this House; and it is not always pleasure, but it may be other business which is adapted to the duration of the Session. And then we find ourselves, at the time when the end of the Session ought to be approaching, confronted with several measures of great importance which the Government insist upon our passing, which they challenge us to stay here and pass, and yet which we cannot pass adequately, and properly, and to the satisfaction of the country without discussion. You may say that futile objections are raised, and from your point of view they may be futile; it may be that they have no force in them, and that you can dispose of them; but they are objections which are entertained not only by the individual Members who put them forward, but by large classes in the country, and which, even though they are absurd and weak, ought to be answered publicly. This is the only security for our legislation. The great merit of English legislation is this—that it takes place after full discussion, after hearing all that has been stated, or that can be stated, by the in-

terests which are affected, on one side or on the other, and that, after everything has been heard, after foolish objections have been heard and fully exposed, the House and the country are satisfied with the result which is attained. I do not desire to prolong the discussion. For my part, I am only too anxious to get through the Business which is before us; and I have endeavoured, so far as my power went, to facilitate the Business, so that the House may be able before it rises to complete the programme that is before it. I do not for a moment complain of the criticisms of the noble Lord. Some of them, no doubt, are such as I should have made from the place where he now sits last Session; but if I had followed the same line of the examination of speeches, and had endeavoured to find out six Members who had made the most speeches by counting them, I believe, from a paper just put into my hands, I could have found six Members who would have compared very fairly with the six Members who have been singled out for condemnation or the reverse by the noble Lord. Four of those Members are now sitting on the Ministerial Bench opposite. I do not wish to complain of the number of times they spoke; they were well qualified to enlighten the House; and I should not be the least disposed to say they had spoken at all too much. Certainly of one of them I should say we had no complaint to make, and that is the noble Lord himself, who figures here as having spoken only 96 times. [The Marquess of HARTINGTON: In what Session?] The Session of 1879. The next is the right hon. Gentleman the President of the Board of Trade, who spoke 135 times. The hon. Gentleman the Under Secretary of State for Foreign Affairs spoke 175 times, and the Home Secretary 177 times. I am reminded by the noble Lord I am speaking of a full Session, and he has spoken of a Session of only three months. [*Cries of "Four!"*] Certainly, these four Gentlemen cannot be reckoned among those who obstruct Business. Then there come two other hon. Members—one the hon. Member for Dungarvan (Mr. O'Donnell), who spoke 310 times, and the other the hon. Member for the City of Cork (Mr. Parnell), who, in the course of six months, spoke 490 times. These were very considerable figures and scores. I do not think it

was worth while of the noble Lord to bring them forward, as if implying that my hon. Friends had been so singularly loquacious that there had been nothing to compare with them since the days of 1835. There is no doubt the noble Lord is right that the practice of speaking frequently has been growing too much in this House; and I am not at all disposed to deny that the practice is increasing more than is convenient, and it would be a very good thing if we saw our way to its diminution. At the same time, I cannot help remembering that some time in the course of last autumn or winter the right hon. Gentleman the Prime Minister published a very interesting article in one of the periodicals, in which, taking notice of the complaint of obstruction—I cannot repeat his words, but they are to this effect—he said the real cause of obstruction was not so much in the conduct of those who obstructed as in the Government, and the manner in which they had brought forward their measures. Though I do not wish to excuse any Gentlemen, friends or not friends, who may have abused the time of the House, there have been some occasions on which the noble Lord and the Government were themselves open to that charge. If Government come forward with an Employers' Liability Bill—a subject of so much importance and difficulty—if they say the Bill is laid on the Table, but it by no means expresses more than the general desire of the Government to deal with the subject, that the law is defective and ought to be altered—they must expect, if they make up their measure in sight of the House, that Members will take part in its discussion, and speak, perhaps, at undue length and frequency, but naturally, in order to the production of a measure on a subject on which it is acknowledged something ought to be done. If they bring forward measures touching so deeply on the social interests and relations of classes, and say these are matters which must no longer be decided by private individual contract, but must be made the subject of binding agreements and laid down by Act of Parliament, it is quite natural that the question should be raised as to what it is that Parliament is going to impose on those who have hitherto been allowed to settle their own affairs. I do say, if the Prime Minister

was right in accusing the late Government of being the real cause of obstruction by the imperfect way in which they introduced and brought forward measures which had not sufficiently commanded the attention of the public, I think the present Government may, at all events, look a little at home before they say so much of others. I do not like this kind of controversy. It is not my habit or wish to indulge in it; but every now and then we may do good by speaking out our minds; and, at the same time, I hope I have done something to call attention to the fact that there are two sides, at all events, to the question we have been discussing. We on this side have a most important position and trust. The House has a great record; it has obtained a great position in the eyes of the country. Nothing, I think, ought to interest the Members of the House of Commons more than a desire to maintain in the eyes of the country the position which their Predecessors obtained. I put it to the House from two points of view—one should make us exceedingly careful not to abuse the rights and Privileges of the House; and the other that we should not be too ready for purposes of a Party character to throw dirt at each other. It produces comments out-of-doors which are painful to read. Let us take the lessons, but do not let us try and make out ourselves worse than we are; and do not let us, at all events, give any colour, so far as we can avoid it, to the attacks made upon us. Depend upon it the time is coming when this House will need all its energies and all its wisdom in order to maintain its proper place in the eyes of the country. I wish to say to my friends, bear in mind the possibility that before many years are over, perhaps even sooner, we may have to fight a great battle for the rights of minorities. Do not let us overstrain the Forms of the House which give minorities the protection they ought to have. I quite appreciate the views of my hon. Friends who say—"Our only chance of resisting the overwhelming majority opposed to us who are bringing forward measures we object to is to have recourse to the Forms of the House for the protection of minorities;" but I say, do not let us use those Forms unnecessarily, lest, perchance, we injure and lose them. I believe we have before us a great oppor-

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tunity. Though in a minority, we on this side are not, on that ground, to be deprived of our legitimate influence in the conduct of the affairs of Parliament. While we are ready to stand up for our rights, I trust we shall be able to show that we do not stand up for them in such a way as to give any just cause for the complaint that we are obstructing the will of Parliament.

LORD RANDOLPH CHURCHILL felt it would be extremely presumptuous if he attempted to add anything to the wise and weighty words which had fallen from the right hon. Baronet. He had, to a great extent, met the veiled attack of the noble Marquess. The noble Marquess, no doubt, began his speech with moderation, and continued it with humour; but he ended it with some severity. He hoped he was not endeavouring to hold up some of his more active opponents to the odium of the House of Commons. He recollected that when in the last Parliament the Irish Party took an extreme course upon measure after measure of the Government, though they might not have had the vote, they certainly were under the impression that they were not without the goodwill of the noble Marquess, and night after night the then Government looked with appealing eyes for some assistance from the Front Opposition Bench, and looked in vain. But, be that as it might, there was no doubt that the Irish Party, in the measures which they adopted in the last Parliament, and which embarrassed, and, to some extent, discredited the late Government, had invariably the vote and support of the President of the Board of Trade and of the Under Secretary of State for Foreign Affairs. He was inclined to think that the noble Marquess lived somewhat in a glass house. He would not pursue these recriminatory matters further, as at the end of the Session they were not likely to advance the Business of the House. The noble Marquess had referred to the number of speeches which he (Lord Randolph Churchill) had made. It was said he had spoken 74 times. That might be so; but of these 50 he was sure did not exceed one or two minutes. The noble Marquess had also referred to the speeches of Irish Members. Well, between the 74 speeches which he had made and the 490 made by the hon. Member for the City of Cork

(Mr. Parnell) there was a large margin. He had some observations to make to the House which, if the Prime Minister were present, he himself would have offered. They had lately to deplore the absence of the Prime Minister, and, no doubt, had he been present during the last two weeks, they would have been better off; but on this occasion he was enabled, to a great extent, to supply the right hon. Gentleman's absence. There were some hon. Members opposite who were not much given to respecting people or things. But if there was any man they respected, or pretended to respect before their constituents, it was the present Prime Minister; and he would read to them words written by that right hon. Gentleman which were extremely appropriate to the present occasion. In an article written in 1879, in which he made a powerful attack on the late Government, the present Prime Minister said—

"The public has lately heard much on the subject of obstruction in the House of Commons. . . . But to prolong debate, even by persistent iteration, on legislative measures is not necessarily an outrage, an offence, or even an indiscretion. For in some cases it is only by the use of this instrument that a small minority with strong views can draw adequate attention to those views. . . . There are abundant instances in which obstruction of this kind had led to the removal of perilous or objectionable matter from legislative measures, and thus to the avoidance of great public evils."

Having recalled instances of obstruction by a great Party, the right hon. Gentleman went on—

"Now, if a great Party may obstruct, it is hazardous to award narrower limits to a small one; for it is precisely in the class of cases where the Party is small and the conviction strong that the best instances of warrantable obstruction may be found. . . . The House of Commons is, and it may be hoped ever will continue to be, above and beyond all things a free Assembly. If so, it must be content to pay the price of freedom. . . . Nothing can be worse than the impotent display of the spirit of coercion, or the attempt to repress offences, which require to be proved in argument, by obstreperous disorder, which is an offence *ipse facto*."

These passages which he had read would be the charter of himself and his hon. Friends; and acting, as they did, within the limits laid down by the Prime Minister, and under the sanction of his great Parliamentary experience, he thought they ought to have escaped the censure of the noble Marquess. As for himself,



who had been personally attacked, it had been his extreme good fortune during the few years he had been in the House, on almost every occasion on which he had ventured to trespass on its attention, to meet with great and undeserved indulgence. To forfeit that indulgence would be the greatest disaster that could befall a Member. If he had lately trespassed too much on the attention of the House, hon. Members would be kind enough to consider that he and his hon. Friends had principles as dear to them, and convictions as strong, as those which animated hon. Gentlemen opposite; and perhaps the best way of meeting those convictions, and of arguing with those principles, was not by what the Prime Minister called obstreperous disorder, but by cultivating "the magic of patience."

SIR WILLIAM HARCOURT remarked, that the noble Lord who had just spoken, and those who acted with him, appeared to make up for the smallness of their numbers by the strength of their convictions. He should not have troubled the House with any remarks had not the noble Lord charged his noble Friend (the Marquess of Hartington) with having given a covert encouragement to obstruction in former days. This he emphatically denied. The greater part of the last Session was occupied with a measure of great importance and complexity—the Army Discipline Bill—which contained no less than 300 clauses. What was the conduct of the Gentlemen who sat opposite to the late Government on that occasion? Did they show goodwill towards those who endeavoured to thwart the progress of that measure; or did they not do everything in their power to help the Government to carry it? According to his humble powers, he did what he could to assist them, and he had the good fortune to receive the thanks of the right hon. Gentleman opposite. The House might look a little further back to the celebrated nights when the word "Obstruction" was first used, and might ask whether it was true that the then Opposition encouraged that obstruction. The recollection of the noble Lord opposite was, no doubt, very imperfect on that point; but the late Government would admit that they had received much assistance from the Opposition Benches. The charge brought against them by the

noble Lord opposite was altogether unfair. There was only one other point on which he wished to touch. The late Prime Minister said, a few years ago, that the great difficulty he had to deal with was that he had not one Opposition, but three Oppositions to encounter. The present Government had not three Oppositions, but he did not know how many. Besides the three Oppositions, there was the fourth, consisting of three persons. But there were, besides, a fifth and a sixth Opposition, which did not consist of three persons, but of one person. An explanation of the difficulties of the present Government might be found in having to deal with Members of an Opposition who did not recognize the authority of their Leaders. If there was anything which more than another led to difficulty in the conduct of Public Business it was the want of an organized Opposition, to which the House of Commons could look for some principle of action on the part of the Opposition. He only alluded to that because it was one of those things which Lord Beaconsfield had pointed out as one of the possible causes of the difficulty experienced in carrying out the Business of the House of Commons.

MR. CHAPLIN desired briefly to reply to some of the remarks of the right hon. and learned Gentleman the Home Secretary. If he were disposed to treat the matter in the light and bantering spirit of the right hon. and learned Gentleman, he might allude to the loyalty he had on all occasions displayed to his Leaders before he became a Member of the Government; but he proposed to regard the question in another manner. The noble Lord the present Leader of the House, in answer to the speech of his hon. Friend below the Gangway, referred to a precedent which had happened in 1835, and said it was by no means unusual for the House of Commons to be called on to sit into September. That was rather an ill-omened reference. It was true that in 1835 the House of Commons was called on by a Minister supported by a powerful majority to sit into September, and what happened? The Minister resigned; and it seemed to him not improbable that, if the Government continued to conduct the Business of the country as they had hitherto done, the precedent of the year 1835 might be

*Lord Randolph Churchill*

to a very great extent, been done this Session. The hon. Member has given the House some illustrations of his argument. I will not follow him into them; but I will give the House an illustration of how these facilities for protracting debates may be used, and have been used within this short Session by some hon. Members of this House. Let the House understand that I am not bringing any charge against any hon. Member. Any hon. Member who is in the possession of the most unlimited powers of protracting the debate, so long as the Speaker does not tell him that he is willfully obstructing the Business of the House, is in a position in regard to which I do not know that any Member has the right to blame him. Let me just show how these facilities are availed of by some hon. Members. I had the curiosity to have an inquiry made into the number of speeches delivered by some active Members of this House. I do not know that I have selected those Members who have most distinguished themselves. I find in the records of *Hansard* and *The Times*—and I am afraid I shall hardly do justice to some of those hon. Members, for in cases where our discussions have been protracted into a late hour of the night, they have not been reported at all, and, consequently, they have found no public record—but I find from these sources that the hon. and learned Member for Chatham (Mr. Gorst) has spoken 105 times, and has asked 18 Questions; the hon. Member for Portsmouth (Sir H. Drummond Wolff) has made 68 speeches, and has asked 34 Questions; the noble Lord the Member for Woodstock (Lord Randolph Churchill) has made 74 speeches, and has asked 21 Questions; the hon. Member for Cavan (Mr. Biggar) has spoken 58 times, and has asked 14 Questions; the hon. Member for Ennis (Mr. Finigan) 47 times, and has asked 14 Questions; and the hon. Member for Queen's County (Mr. A. O'Connor) 55 times, but he has only asked two Questions. In fact, I find that six Members of the House, within the limited period of the Session, have made 407 speeches. I believe what I have been hitherto considering have been facts which can be verified; but I am going for one moment into the region of speculation, and, if I am wrong, any hon. Member can correct it by a speculation of his own. I do not

think it will be unfair to say that every one of these speeches averages ten minutes. ["No, no!"] Well, it does not in the least matter, for my purpose, whether they average ten minutes or five. My calculation is on the basis of ten minutes for each speech, and, of course, I have made no estimate of unreported speeches late at night, or of the amount of time consumed in the discussions provoked by those speeches. Suppose these 407 speeches occupy 4,070 minutes, or 68 hours. In a House of Commons week we have 37 working hours—eight on an ordinary night, and five on Wednesdays. According to the calculation, these six hon. Members occupied nearly a fortnight of the available working time of the Session. I am not making the slightest complaint of the activity of these hon. Members, though I do not know that they have any overwhelming or superior claim to engross the attention of the House over that which is possessed by many other hon. Members; but I find that if the remaining 642 Members thought it necessary to speak as often and at the same length as the hon. Members I have referred to, it would take 215 weeks, or something over four years, to get through the ordinary Business of a Session. And these efforts of these hon. Members have been all made in the comparatively short space of three months. The Session usually extends over six months, and it is not unfair to assume that in such a time their activity would have been doubled, so that the whole House, if all were equally active, would require for a single Session a period of eight years. It is, therefore, perfectly immaterial to my argument whether I give an average of ten minutes or five, for if I reduced the speeches to five minutes in duration, I should only prove that the House by following their example would occupy the period of four years for the work of an ordinary year, which, as has been observed by Euclid under similar circumstances, is absurd. I have not used, nor do I intend to use, the word "Obstruction;" but we have it on the best authority—the authority of the hon. Members themselves, and I am therefore bound to accept it—that their object has been, not to obstruct, but, on the contrary, to assist the Business of the House; but what would be the consequence if all the Members of the House were to assist the Government in

came down and asked that Wednesdays should be taken for Government Business, and soon afterwards Fridays were also taken. The Prime Minister remarked that previous Governments had at that period of the year always asked for exceptional powers. But the right hon. Gentleman forgot, in deciding the date at which the Government should obtain exceptional powers, that regard ought to be had not only to the time which had elapsed since the beginning of the Session, but likewise to the time which had still to run before the end of the Session. The result would be that before the Session closed at least half the time would have been occupied with Public Business, and the Government would have taken every single day of the week except Friday at 9 o'clock. No previous Government ever had such powers. They also had Mondays for Supply, which no Government ever had before, except the late Government during the Session at the beginning of this year. Independent Liberals, who then protested against that privilege being granted to the Government, appeared now to have got over their scruples. He did not see any protection against the autocracy with which the House was threatened, except the endurance of right hon. Gentlemen on the Treasury Bench. He supposed there was a limit after which even the endurance of Ministers would not hold out; and when the only Gentleman capable of leading the House was a junior Lord of the Treasury, the Government might then be forced to reconsider the policy they had adopted. A tyranny and absolutism of that sort was not one which they should desire to continue to exist. This House could not now properly attend to Business, and the other House was reduced to even a worse condition—not, he was bound to say, from overwork, for they had sent up hardly anything to the Lords this year. As the other House was not in a position to give adequate attention to Government Bills, he maintained that the Government were not carrying out their proper function when they attempted to legislate under such conditions. They went to the country at the last General Election and abused the late Government for carrying on important transactions behind the back of Parliament. They alleged that certain matters had been kept back which it would have been

proper and expedient for Parliament to consider. Even if that allegation were true the late Government had only prevented the House from doing what it could never do adequately—namely, discuss the details of foreign negotiations while they were in progress. The present Government had made that discovery since they were in Office. But the present Government desired to prevent the House from discharging its proper function of discussion in all their details, and in the presence of all the Representatives of the people, the measures brought forward for its consideration. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "that" to the end of the Question, in order to add the words "it is inexpedient, in the interest of Public Business, that important measures should be brought under the consideration of the House at a period of the Session at which it is impossible that they should receive adequate discussion,"—(*Mr. Arthur Balfour*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

**THE MARQUESS OF HARTINGTON:** It appears to me that the hon. Member for Hertford, in the course of his observations, made several assumptions which were scarcely constitutional, as to the knowledge possessed by this House of the proceedings of the other branch of the Legislature. The hon. Member assumed that Her Majesty's Government and the majority in this House know, or ought to know, what would be the fate of a certain Bill in "another place;" and towards the close of his observations he expressed his opinion that the other branch of the Legislature was not now in a condition to conduct the Business of Legislation. Now, Sir, I am rather inclined to believe that we have no right, unless we receive some communication of a formal character, to ground our Business or our deliberations on any knowledge derived from hearsay of the state of the other Chamber. There is a great deal in the Motion of the hon. Member, and there are some things in his speech, with which I am extremely disposed to concur. I quite agree with him that it is inexpedient

the calculations which the noble Lord presented to us, I have not provided myself with the calculations which might have been made on the other side. But I rather think I should not be far from saying that the 400 speeches made by the five or six Members referred to by the noble Lord were not more than something like half of the speeches made by a single Member in a Session of the last Parliament. [*Cries of "Name!"*] In the absence of the precise figures I had rather not give the name, although it may be possible to give names by-and-bye. Will any hon. Gentleman tell me that there has been any Member, or any three Members, of this House in the present Session who have made as many speeches as, let us say, the hon. Member for the City of Cork (Mr. Parnell)? [An hon. MEMBER: Chelsea.] Well, say Chelsea. But I should rather prefer to remind the noble Lord of the length of time that was spent in the last Parliament over measures in which he himself took a great interest. When the noble Lord speaks of the length of time spent in discussing some of the measures which the present Government have brought before the House of Commons, might I ask him whether he had in his mind the length of time that was spent over such measures as the Regimental Exchanges Bill and the Army Discipline Bill? The Army Discipline Bill was a measure of very great importance, and one on which it was right and proper that there should be a good deal of discussion; but, certainly, the same questions were raised and debated upon it over and over again, and a very great length of time was spent in the discussion of that measure. But I really think we do no good in balancing, by charges of this kind, one side of the House against the other; and it is far from my object to enter upon a question of that kind. But when the noble Lord has taken this line, I feel it my duty to remind him that there are two sides to the picture. Let us, however, go seriously into the question which my hon. Friend has raised. The principle he lays down will, I think, command very considerable support—namely, that it is inexpedient in the interest of Public Business that important Business should be brought under the consideration of the House at a period of the Session at which it cannot receive adequate consideration. Taking that, without refer-

ence to the circumstances of the present Session, everybody would agree that it was a very reasonable proposition. But what are the circumstances of the present Session? We have in one sense undoubtedly had a shortened Session. It may be, in one sense, said to have commenced on the 20th of May, when the Gracious Speech from the Throne was delivered. But it must be remembered that, although that was the beginning of the present Session, it was not the beginning of the work of the year. A great deal of very important work that must be done within the year had been already done. The whole of the Army Estimates, which usually occupy a considerable time, had been passed. The Army Discipline Bill, which, on certain occasions, takes up much of the time of the House, had also been passed. Supplementary Estimates had been taken, and the Budget had been passed. Therefore, the House met on the 20th of May with the work of the Session lightened by a great deal of important work. At the opening of the Session Her Majesty was advised to recommend to the House several measures which were thought desirable and important. The programme was not excessive, and it did appear very possible that it might be adopted, if it were not interrupted by other Business. The Government had considerable advantages in the course of the Session; one advantage which we were only able to obtain on one occasion, and that after a good deal of fighting, they obtained at once—the entire command of the Mondays for Supply. Therefore, when we talk of the number of Government nights at their and our disposal, the number was very much more valuable to them than it had been to us. Then, again, they have been free from Motions challenging their foreign policy, for we have been most chary and reserved in raising questions as to their foreign policy. [*"Hear, hear!"*] The right hon. Gentleman the Chancellor of the Duchy of Lancaster cheers that statement, as if we had anything to shrink from. [Mr. JOHN BRIGHT: I said "very properly."] The right hon. Gentleman is always charitable; but sometimes his charity goes a little astray. Hon. Members, like other people, judge others by themselves; and I suppose the right hon. Gentleman cannot easily understand the views and the feelings

equal in complexity, to any that have been introduced in recent times—were discussed in this House with much less expenditure of speech, with much less expenditure of time, and I think that those Members who recollect those debates will say that they were at least as deeply discussed, both as to principle and as to the details which they contained. There is no question which can require, as some hon. Members appear to think, unlimited discussion. It is an entirely novel principle that a discussion should not be considered terminated as long as there is any hon. Member who has anything to say about it, and who is able and willing to say it. No doubt, the conditions of Public Business have changed of recent years. Many more Members are competent and willing to take part in discussions, and a greater sub-division of interests exists; and there is, perhaps, more occasion for protracted debates than there used to be. But I cannot help thinking that some of the increased prolixity of debate has arisen from causes over which the House ought to have some control. My right hon. Friend at the head of the Government pointed out the other day that the practice had greatly increased of multiplying the occasions for discussing the principle of a measure which had been already fully debated. My right hon. Friend might have gone further, and quoted many instances, both in the present and in the late Parliament, in which details of measures have been discussed on the second reading, and in which the principles of measures have been discussed over and over again in Committee. I think if the House tolerates or encourages an undue extension of the opportunities of discussion, both of the principles and of the details of measures, it tolerates that which it has within its control, and which it ought, in the interests of Public Business, to exercise some control over. Let the House consider for one moment the facilities which now exist for absolutely unlimited discussion in the absence of any self-control on the part of hon. Members. Some of the Bills which come before the House are of great length and complexity, and necessarily lead to prolonged discussions; but even in the case of Bills of a simple character the practice now existing permits hon. Members to discuss the question of principle not only on the second reading, but in every clause

and in every Amendment to a clause. With one exception, the Bills introduced by the Government this Session were Bills of an extremely short and simple kind. That exception was the Employers' Liability Bill; and I do not for one moment complain of the discussions which took place upon that measure. Whatever may be thought of the Compensation for Disturbance (Ireland) Bill, that Bill contained a very simple principle—[*Ironical Opposition Cheers*, and An hon. MEMBER: Confiscation! ]—and I do not know, if the old-established form and practice had been regarded, what excuse there was for any hon. Member to take any other opportunity than the legitimate one of discussing the principle of the Bill on its second reading. Some hon. Gentlemen cheer my remark that the principle of the Bill was simple; but, notwithstanding its simplicity, it took the House 11 nights to discuss it fully, and then one or two other partial discussions. Then there is the Hares and Rabbits Bill, which we have been discussing lately. That is not a Bill of a complicated character. The principle which it contains is one that is easily understood; and when the House decided, without a division, upon its second reading, one would have thought that a continual reference in Committee to its principle was unnecessary. But it does not in the least facilitate the passage of a Bill that its principle should be clear and simple, and its provisions short; because, by the Forms of the House, the clearest and most intelligible measure may be converted into a code of the most complicated description, containing all manner of provisions subverting the principle of the Bill. These are the facilities which are in the possession of hon. Members for unduly protracting the labours of the Session, though this enumeration does not exhaust them. Take the case of Committees of Supply. We have more than 200 Votes to pass, and if hon. Members think it is their duty to their constituents to take advantage of these 200 Votes to discuss once a year the whole of the principles which underlie our Administrative Departments, and every detail of those Administrative Departments, how is it possible that the House can either, within a convenient or inconvenient time, devote itself to other Business? But that is what has,

*The Marquess of Hartington*

upon the last words. Sometimes we are taunted by the public with being so desirous of getting away to the moors and to other amusements that we will not submit to remain longer at Westminster to conduct the Business of the country. I emphatically deny that there is any justice in that charge. My firm belief is that the Members of the House of Commons, equally on that side and on this, if they have fair warning of what is expected of them, will be found in their places. What I complain of is this—the noble Lord fairly admitted that we have been always led to understand the Business of Parliament would be concluded by about the middle or the latter part of August; and in the present Session we have been especially invited to believe it by the representations made to us at the time we were induced to give up all the days of the week to the Government by the assurance of the Prime Minister that, in the circumstances, he thought it probable the House would not be called upon to sit into the last week of August. I say it is not fair to talk of any laxity on the part of the House when they have had this kind of assurance given them. Members have made their plans; many of them have other occupations besides their public duty in this House; and it is not always pleasure, but it may be other business which is adapted to the duration of the Session. And then we find ourselves, at the time when the end of the Session ought to be approaching, confronted with several measures of great importance which the Government insist upon our passing, which they challenge us to stay here and pass, and yet which we cannot pass adequately, and properly, and to the satisfaction of the country without discussion. You may say that futile objections are raised, and from your point of view they may be futile; it may be that they have no force in them, and that you can dispose of them; but they are objections which are entertained not only by the individual Members who put them forward, but by large classes in the country, and which, even though they are absurd and weak, ought to be answered publicly. This is the only security for our legislation. The great merit of English legislation is this—that it takes place after full discussion, after hearing all that has been stated, or that can be stated, by the in-

terests which are affected, on one side or on the other, and that, after everything has been heard, after foolish objections have been heard and fully exposed, the House and the country are satisfied with the result which is attained. I do not desire to prolong the discussion. For my part, I am only too anxious to get through the Business which is before us; and I have endeavoured, so far as my power went, to facilitate the Business, so that the House may be able before it rises to complete the programme that is before it. I do not for a moment complain of the criticisms of the noble Lord. Some of them, no doubt, are such as I should have made from the place where he now sits last Session; but if I had followed the same line of the examination of speeches, and had endeavoured to find out six Members who had made the most speeches by counting them, I believe, from a paper just put into my hands, I could have found six Members who would have compared very fairly with the six Members who have been singled out for condemnation or the reverse by the noble Lord. Four of those Members are now sitting on the Ministerial Bench opposite. I do not wish to complain of the number of times they spoke; they were well qualified to enlighten the House; and I should not be the least disposed to say they had spoken at all too much. Certainly of one of them I should say we had no complaint to make, and that is the noble Lord himself, who figures here as having spoken only 96 times. [The Marquess of HARTINGTON: In what Session?] The Session of 1879. The next is the right hon. Gentleman the President of the Board of Trade, who spoke 135 times. The hon. Gentleman the Under Secretary of State for Foreign Affairs spoke 175 times, and the Home Secretary 177 times. I am reminded by the noble Lord I am speaking of a full Session, and he has spoken of a Session of only three months. [*Cries of "Four!"*] Certainly, these four Gentlemen cannot be reckoned among those who obstruct Business. Then there come two other hon. Members—one the hon. Member for Dunbar (Mr. O'Donnell), who spoke 310 times, and the other the hon. Member for the City of Cork (Mr. Parnell), who, in the course of six months, spoke 490 times. These were very considerable figures and scores. I do not think it

shifts and changes had been forced upon them by a section of their followers. Well, then, he would ask the Government what, in common fairness, was the duty of a minority in such a case? If the Government placed themselves in such a position as to exempt themselves from all criticism, not only to pass their measures by the force of their majority, but to drown all criticism by the force of the same majority, there were but two courses for a minority to take. One course was for a few Members to maintain their right to criticize, and thus lay themselves open to a charge of obstruction; the only other course was for the minority to take that action which would be inexcusable in any other circumstances, and which was worse than anything except the control of an absolutely uncontrollable and irresponsible Government.

MR. NEWDEGATE said, the right hon. and learned Gentleman the Secretary of State for the Home Department, a high official of the Liberal Government, had taunted the Opposition with its want of organization; and it really seemed to be a characteristic of modern Liberalism that it objected to independent action. One of his (Mr. Newdegate's) earliest lessons in politics was taken in the United States of America, and it had been his fate to live to see the organization, which the Americans called Caucus, imported into Birmingham, and to see, also, on the Front Bench opposite two right hon. Members of the Cabinet, who were Members for Birmingham, as also Members of a Caucus. He had been gratified, at the commencement of the Session, when a most important Constitutional question—as to the admission of one of the Members for Northampton—was before the House, to see some spirit of independence which was then manifested by hon. Members, who were usually supporters of the Government. The occasion was one well worthy the manifestation of independence; but he regretted to have seen that the independence of hon. Members on the Government side of the House did not survive a second trial, and that it appeared to have now quite faded away. He (Mr. Newdegate) claimed to be an independent Member; but there were few independent Members now in the House, and the House of Commons would lose its chief characteristic if it lost the

presence of independent Members. Any one who had witnessed and watched the conduct of the House of Representatives in the United States must be conscious of the great superiority of the English House of Commons, and that the latter had owed its superiority to the independence of its Members. But this importation of the Caucus system was most dangerous to independence. American experience had shown that independence was far more grievously compromised by the democratic system of Caucus than by almost any extent of aristocratic interference. He really thought that Her Majesty's Ministers had nothing to complain of in the conduct of the legitimate Opposition; and, speaking as a humble but independent Member, he begged to affirm that he for one was not, even at that late period of the Session, prepared to hand over the authority and functions of the House of Commons to the Representatives of the Crown. He and those who agreed with him meant to maintain the independence of that House; and if they were kept there for an unusual period, for that Her Majesty's present Ministers must be held responsible, and had no just reason to complain if they had met with opposition. For what had happened this Session? Her Majesty's Government introduced the Compensation for Disturbance (Ireland) Bill. That Bill had not been announced in Her Majesty's Speech at the opening of Parliament. It was an ill-conceived Bill; a measure fraught with a vicious principle; and the other House of Parliament had rejected it by a vast majority. The waste of time in that House had been the consequence chiefly of discussing that futile Bill, and for that Her Majesty's Government must bear the blame. The independent Members of the House might be charged with unduly opposing that measure; but they might, in their justification, point to the verdict of the House of Lords. They were determined not to make over the authority of Parliament to the Crown. It was time that that should be affirmed, when Her Majesty's present Ministers attempted to pass through the House important measures at an undue period of the year—measures which ought to have been considered earlier in the Session; but the best days of the Session were wasted in the discussion of that Bill. The hon. and gallant Member

tunity. Though in a minority, we on this side are not, on that ground, to be deprived of our legitimate influence in the conduct of the affairs of Parliament. While we are ready to stand up for our rights, I trust we shall be able to show that we do not stand up for them in such a way as to give any just cause for the complaint that we are obstructing the will of Parliament.

**LORD RANDOLPH CHURCHILL** felt it would be extremely presumptuous if he attempted to add anything to the wise and weighty words which had fallen from the right hon. Baronet. He had, to a great extent, met the veiled attack of the noble Marquess. The noble Marquess, no doubt, began his speech with moderation, and continued it with humour; but he ended it with some severity. He hoped he was not endeavouring to hold up some of his more active opponents to the odium of the House of Commons. He recollected that when in the last Parliament the Irish Party took an extreme course upon measure after measure of the Government, though they might not have had the vote, they certainly were under the impression that they were not without the goodwill of the noble Marquess, and night after night the then Government looked with appealing eyes for some assistance from the Front Opposition Bench, and looked in vain. But, be that as it might, there was no doubt that the Irish Party, in the measures which they adopted in the last Parliament, and which embarrassed, and, to some extent, discredited the late Government, had invariably the vote and support of the President of the Board of Trade and of the Under Secretary of State for Foreign Affairs. He was inclined to think that the noble Marquess lived somewhat in a glass house. He would not pursue these recriminatory matters further, as at the end of the Session they were not likely to advance the Business of the House. The noble Marquess had referred to the number of speeches which he (Lord Randolph Churchill) had made. It was said he had spoken 74 times. That might be so; but of these 50 he was sure did not exceed one or two minutes. The noble Marquess had also referred to the speeches of Irish Members. Well, between the 74 speeches which he had made and the 490 made by the hon. Member for the City of Cork

(Mr. Parnell) there was a large margin. He had some observations to make to the House which, if the Prime Minister were present, he himself would have offered. They had lately to deplore the absence of the Prime Minister, and, no doubt, had he been present during the last two weeks, they would have been better off; but on this occasion he was enabled, to a great extent, to supply the right hon. Gentleman's absence. There were some hon. Members opposite who were not much given to respecting people or things. But if there was any man they respected, or pretended to respect before their constituents, it was the present Prime Minister; and he would read to them words written by that right hon. Gentleman which were extremely appropriate to the present occasion. In an article written in 1879, in which he made a powerful attack on the late Government, the present Prime Minister said—

"The public has lately heard much on the subject of obstruction in the House of Commons. . . . But to prolong debate, even by persistent iteration, on legislative measures is not necessarily an outrage, an offence, or even an indiscretion. For in some cases it is only by the use of this instrument that a small minority with strong views can draw adequate attention to those views. . . . There are abundant instances in which obstruction of this kind had led to the removal of perilous or objectionable matter from legislative measures, and thus to the avoidance of great public evils."

Having recalled instances of obstruction by a great Party, the right hon. Gentleman went on—

"Now, if a great Party may obstruct, it is hazardous to award narrower limits to a small one; for it is precisely in the class of cases where the Party is small and the conviction strong that the best instances of warrantable obstruction may be found. . . . The House of Commons is, and it may be hoped ever will continue to be, above and beyond all things a free Assembly. If so, it must be content to pay the price of freedom. . . . Nothing can be worse than the impotent display of the spirit of coercion, or the attempt to repress offences, which require to be proved in argument, by obstreperous disorder, which is an offence *ipse facto*."

These passages which he had read would be the charter of himself and his hon. Friends; and acting, as they did, within the limits laid down by the Prime Minister, and under the sanction of his great Parliamentary experience, he thought they ought to have escaped the censure of the noble Marquess. As for himself,



Government was in this dilemma—either the Bills which they had brought forward were of great importance, and, therefore, they ought not to be asked to hurry over them, and to carefully criticize and examine them; or else they were not of great importance, and then why should the House be kept there to discuss them at that time of the Session? He thought the hon. Member for Hertford (Mr. A. J. Balfour) was entitled to the thanks of the country for having raised that question, because the state of things existing at the present time, as had been shown by various speakers, was almost entirely without precedent. The noble Marquess the temporary Leader of the House had gone back as far as 1835 for a precedent; they had heard from a very high authority of musty precedents, and that must be one which was mildewed, if not musty. But what was the result of all that work? To force the House, at the end of August, either to abandon its functions of discussing measures, or else to fasten upon the Opposition the charge of Obstruction. The result of keeping the House together had been also to half kill the Prime Minister, and to render more than one Member of the Government *hors de combat*. He did not know how many more would fall from their perches during the next week. But he knew that a very arduous task was before them. If the Government had dealt with Supply *de die in diem* at first, he maintained that there would not have been so much time wasted. The difficulties in which the Government was at present placed were mainly due to the fact that at first the Government could not make up its mind that the hypothesis of infidelity ought to be seated upon their Benches; and when they had made up their minds to it, they had to lose much more time in getting their followers to support the entry into that House of the Apostle of Agnosticism. After wasting time in that way, there came the Compensation for Disturbance (Ireland) Bill. He would not waste time in discussing it. The other House had made short work of it, and he did not think people regretted its premature decease. Reference had been made to the number of speeches delivered on one side of the House or the other; but that had very little to do with the question now before the House.

*Colonel Makins*

What they had to consider was, whether it was desirable that the present system, introduced in 1880, of deferring important measures until the very end of the Session, and then calling upon the House either to abandon its functions, or to pass the measures, was one which ought to be followed hereafter. He thought the Motion of his hon. Friend was very necessary; and he was sure that debate would not be in vain if, in future years, the Government were induced to lay down their programme early in the Session, and to stick to it, instead of wasting time in discussing questions which were of no importance.

Question put.

The House divided:—Ayes 119; Noes 59: Majority 60.—(Div. List, No. 133.)

Question again proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn*.

Supply Committee upon *Monday* next.

HARES AND RABBITS BILL—[BILL 194.]

(Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.)

COMMITTEE. [*Progress 20th August.*]

Bill considered in Committee.

(In the Committee.)

Clause 5 (Saving Clause).

MR. WARTON said, he begged to propose an Amendment the clause. In line 17 he wished to omit from the word "for" to the end of the clause. The passage he wished to leave out was to the effect that tenancies at will should be deemed to determine at the time when they would by law become determinable, if notice or warning to determine the same were given at the date of the passage of the Act. His object in moving the Amendment was to maintain, as far as he could, what was left of the principle of the Bill. He wished to enable the Government to be consistent. They had steadily refused the Amendments of the hon. Member for Forfarshire (Mr. J. W. Barclay). He wished to call the attention of the Government, particularly that of the right hon. and learned Gentleman the Home Secretary, to this—that when he asked their permission, some time ago to alter the words at the beginning of the clause

followed not only as to the length of the Session, but as to the second particular also. The noble Lord had said that the position of the House was due partly to the number of speeches on that side, and partly to the necessities of the country, which were clearly elucidated at the General Election, when it became imperative to carry out a great programme. But if there was one thing more notorious than another, it was that the late Opposition had no domestic programme whatever, and professed only the necessity of uniting to turn out the Government. The noble Lord had complained of the prolonged discussion on the Government Bills, and had charged hon. Gentlemen on that side of the House with repeatedly debating the principle of those Bills. He might remind the noble Lord that on one Bill of the late Government—the Army Discipline Bill—he had challenged the principle of the measure on five distinct occasions, and that charges of that kind could not very properly proceed from him. It had been said that the Bills introduced during the present Session were short and simple, and the noble Lord had complained of the 11 nights' discussion on the Compensation for Disturbance (Ireland) Bill. The Chief Secretary, however, had said on such a Bill every branch of the Land Question ought to be discussed, though the noble Lord now thought it unreasonable to do so. Again, the Hares and Rabbits Bill involved novel principles of legislation which necessarily involved considerable discussion. It appeared to him that the attacks of the noble Lord on the independent Members were totally uncalled for. Even the noble Lord himself had frequently addressed to them speeches that sometimes produced a more or less lethargic effect on both sides of the House. There was, he regretted to find, a disposition on the other side to prevent Gentlemen on the Opposition side from defending themselves. The noble Lord had come out in a new light to-night, and had addressed to the House an animated and a most aggressive speech. The noble Lord denounced hon. Members on that side of the House because six of them made 407 speeches in the course of the Session. Why, a Session or two ago one hon. Gentleman made 500 and another 248 speeches, and what action did the noble

Lord take then? His noble Friend below the Gangway had spoken of appealing eyes directed to the noble Lord; and he had himself risen on more than one occasion and appealed to the noble Lord as Leader of the Opposition to take his part in upholding the dignity of the House of Commons. The noble Lord was loud now in denouncing obstruction on that side of the House; but when night after night speeches were made which delayed the whole Business of the Conservative Government, and which were condemned throughout the whole length and breadth of the land, the noble Lord sat like a log on the Bench. He remembered one time when the House of Commons sat up all night on account of obstruction. Did he give any assistance then? The result was that the House was detained until 7 o'clock in the morning. The secret of this animated attack of the noble Lord was not very difficult to discover. This Government came into power not long ago with unexampled advantages. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) stated at a convivial meeting that it was the wisest Government, supported by the best Parliament, the country had seen for many years. Yet the Government was soon put in a minority by the best Parliament the country had seen. The Government were already beginning to be found out. During the short period they had been in power they had succeeded in harassing every interest; they were plundering, or attempting to plunder, every class; they had alienated so large a number of their own supporters that the chief measure of this Session was defeated in "another place" by a majority of their own followers; and now, in order to disguise their own misdeeds, and to conceal from the country what a hash they had made of their Business, the noble Lord came forward with, for him, a most unusual, an extraordinary, and a flashy speech, in which he endeavoured to throw on his opponents the onus of all the mismanagement of his own Party. The country would not, however, be hoodwinked in this manner. It knew perfectly well that the Government were to-day pursuing a most unusual and almost absolutely unprecedented course in order to try to get some little credit for themselves. They

many miles, even 12 or 13 miles, to feed on turnips during the summer. Then the hon. Baronet the Member for Berwick (Sir Dudley Marjoribanks), who was not that evening in his place, stated in evidence that deer would come miles and miles to eat oats when they were ripe. He (Sir David Wedderburn) himself had had some personal experience of this. He had known a great deal of injury inflicted on the crops of small farmers by the deer coming at night to eat the oats and potatoes. The deer were never disturbed, and committed their depredations with impunity; and, in fact, in course of time, they became so tame that it was almost impossible to drive them away. People had sometimes to sit up all night watching their crops, in order to save them from the deer. Of course, the Amendment would not apply to deer parks, where there was no occupier but a lessee, neither would it apply to mountain forests. It would be applicable only to cultivated land. He knew there were many hon. Members who would corroborate the statement that the injury in the case he was referring to was sustained mostly by poor people, small farmers, shepherds, and so on. He hoped the right hon. and learned Gentleman (Sir William Harcourt) would see his way to accept the Amendment.

Amendment proposed, in page 2, line 23, after "mean," to insert the word "deer."—(*Sir David Wedderburn.*)

SIR WILLIAM HARCOURT trusted his hon. Friend (Sir David Wedderburn) would not add to the difficulties of the Bill by insisting upon this Amendment. He was in error in supposing that his proposal would not apply to deer forests and moors. It would bring them under the 4th sub-section of the Proviso, and any sheep farmer, on what some Members had been in the habit of calling sheep-farm land, would have the right of killing a stag, if he could get sight of one, from the 11th of September to the 31st of March. That would lead to the destruction of every deer forest in the country; and he, therefore, trusted that the Amendment would not be pressed.

SIR THOMAS ACLAND said, he was not much of a sportsman, only having been out stag hunting once in his life, under the auspices of the hon. Member

for West Somerset, who was a great stag hunter. In the absence of the hon. Member, who, no doubt, would have spoken on the subject had he been present, he wished to express a hope that nothing would be done hastily to destroy stag hunting.

SIR DAVID WEDDERBURN asked the right hon. and learned Gentleman the Home Secretary, if he spoke advisedly when he said the Amendment would apply to deer forests?

SIR WILLIAM HARCOURT said, it would apply to sheep grounds which deer frequented, and where they were sometimes shot. Deer forests were, as a rule, places where the sheep had been taken off, although sometimes sheep were still to be found upon them.

COLONEL MAKINS said, the hon. Member (Sir David Wedderburn) spoke from the Scotch point of view, and, perhaps, he did not know that there were many herds of deer in this part of the United Kingdom which were very highly prized by the people. They were a great ornament to many park lands which were let for grazing purposes. If the Amendment were carried, any farmer who rented these park lands for grazing purposes might destroy one of the greatest ornaments of the country.

Amendment *negatived*.

SIR WILLIAM HARCOURT moved to omit the following words from the Clause—

"The word 'agents' means any member of the household of the occupier habitually resident upon the land in his occupation, or persons in his service on such land, or bona fide employed by him for reward for the taking and destruction of ground game."

They had become unnecessary, owing to alterations which had been made in previous parts of the Bill.

Amendment proposed, in page 2, line 24, to omit from the word "The" to the end of the Clause.—(*Sir William Harcourt.*)

MR. GIBSON said, he had no objection to the Amendment; but he wished to point out that it would be much more important to consider the necessity of retaining the clause at all. It was absurd to retain, as a clause, a provision of only oneline—an Interpretation Clause saying that for the purposes of the Act the words "ground game" meant "hares and rabbits."

provisions of the Bill. Still, it could not be maintained that the Bill was of a nature peculiarly urgent to be passed in the present Session. He would also remind his noble Friend that the same duty which bound the minority to comply with the declared opinion of the majority on the principle of the Bill did not absolve them from the obligation of watching, discussing, modifying, and altering the provisions of the measure. As an opponent of the Bill, it might answer his purpose to retire from the Committee altogether, and depart into the country, allowing the Bill to pass with all its blemishes; but such a course he held to be contrary to his duty, and he conceived that it was incumbent on those who objected to the Bill to attend there night after night, and week after week, to debate, line by line, and word by word, if necessary, the details of a Bill of such great importance."

Had the Bills which were now before the House, he would ask, been debated "line by line, and word by word?" He was ashamed to say they had not; and if his right hon. Friend were present that evening—as he was sure every hon. Member wished him to be—he would, no doubt, lecture some of them on their culpable *laches*, self-seeking, and laziness in allowing important measures to pass through their hands without adequate discussion. In short, the House would not be fulfilling its duty, as prescribed by the Prime Minister, if Bills like the Burials Bill and others which he need not name were not duly, fully, and minutely criticized.

EARL PERCY said, that he, at all events, did not feel that he was open to the charge of obstruction. Nor did he think that any section of the Conservative Party was fairly liable to such an accusation. It had been said that the Conservative Party was not a united Party. There was no foundation for such a statement. There was no difference of opinion between the Party and its Leader. They were unanimously determined to support their opinions by any means in their power. But it was said that if there was no obstruction, still the opposition practised by the Conservative Party was such as should not be practised in the House of Commons. He denied that charge, and, in support of his views, he would read a letter written by a well-known person, which appeared in an influential Provincial paper published in the North of England. He referred to *The Newcastle Daily Chronicle*. The letters in that paper on the subject of Business in that House were known not to be uninspired by a gentleman greatly respected in that House,

and a supporter of Her Majesty's Government, to whom he was not at liberty more particularly to refer. [The noble Earl then proceeded to read extracts, which were to the effect that there had been but little obstruction in the House this Session; that the Opposition had criticized the measures of the Government, and tried to alter, and, in some instances, to delay them, but that this course had been the one usually adopted by a Parliamentary Opposition, and resembled that of a Liberal Opposition in the last Parliament, and that of a Conservative Opposition in the Parliament of 1868, which succeeded in throwing over the Ballot Bill from one Session to another.] There seemed to be some confusion in the minds of some hon. Members between a legitimate and an illegitimate opposition. He was sorry to say that since he had been in the House a great change had taken place in the ordinary conception of the duties of an Opposition. In his opinion, the minority opposed to a Bill should take their stand upon some clause of that Bill, express their views upon it, and uphold those views by every means in their power, whether they were a minority of 50 or a minority of 5. The Hares and Rabbits Bill raised a great principle; and were hon. Gentlemen, having taken one division and been beaten, to go into the country and leave the Government to fashion the measure as they pleased? That was not his view of the legitimate duty of an Opposition. But what really deserved to be called obstruction was the opposing of all measures on all occasions for obstruction's sake. The Government had received very determined opposition to some measures they had brought forward; but the reason was because they had deferred the consideration of the most important Bills of the Session to a late period, and had spent a great part of the Session in pushing on a Bill of an extraordinary character, which nobody wanted. They had determined to force that Bill not only through that House, but also through "another place." But if Her Majesty's Government, or any other Government, could act in that way, it would be able to rule the country without any check from the House of Commons or from the other House. Many shifts and changes had characterized the policy of the Government during the last few weeks. Those

who had been personally attacked, it had been his extreme good fortune during the few years he had been in the House, on almost every occasion on which he had ventured to trespass on its attention, to meet with great and undeserved indulgence. To forfeit that indulgence would be the greatest disaster that could befall a Member. If he had lately trespassed too much on the attention of the House, hon. Members would be kind enough to consider that he and his hon. Friends had principles as dear to them, and convictions as strong, as those which animated hon. Gentlemen opposite; and perhaps the best way of meeting those convictions, and of arguing with those principles, was not by what the Prime Minister called obstreperous disorder, but by cultivating "the magic of patience."

SIR WILLIAM HARCOURT remarked, that the noble Lord who had just spoken, and those who acted with him, appeared to make up for the smallness of their numbers by the strength of their convictions. He should not have troubled the House with any remarks had not the noble Lord charged his noble Friend (the Marquess of Hartington) with having given a covert encouragement to obstruction in former days. This he emphatically denied. The greater part of the last Session was occupied with a measure of great importance and complexity—the Army Discipline Bill—which contained no less than 300 clauses. What was the conduct of the Gentlemen who sat opposite to the late Government on that occasion? Did they show goodwill towards those who endeavoured to thwart the progress of that measure; or did they not do everything in their power to help the Government to carry it? According to his humble powers, he did what he could to assist them, and he had the good fortune to receive the thanks of the right hon. Gentleman opposite. The House might look a little further back to the celebrated nights when the word "Obstruction" was first used, and might ask whether it was true that the then Opposition encouraged that obstruction. The recollection of the noble Lord opposite was, no doubt, very imperfect on that point; but the late Government would admit that they had received much assistance from the Opposition Benches. The charge brought against them by the

noble Lord opposite was altogether unfair. There was only one other point on which he wished to touch. The late Prime Minister said, a few years ago, that the great difficulty he had to deal with was that he had not one Opposition, but three Oppositions to encounter. The present Government had not three Oppositions, but he did not know how many. Besides the three Oppositions, there was the fourth, consisting of three persons. But there were, besides, a fifth and a sixth Opposition, which did not consist of three persons, but of one person. An explanation of the difficulties of the present Government might be found in having to deal with Members of an Opposition who did not recognize the authority of their Leaders. If there was anything which more than another led to difficulty in the conduct of Public Business it was the want of an organized Opposition, to which the House of Commons could look for some principle of action on the part of the Opposition. He only alluded to that because it was one of those things which Lord Beaconsfield had pointed out as one of the possible causes of the difficulty experienced in carrying out the Business of the House of Commons.

MR. CHAPLIN desired briefly to reply to some of the remarks of the right hon. and learned Gentleman the Home Secretary. If he were disposed to treat the matter in the light and bantering spirit of the right hon. and learned Gentleman, he might allude to the loyalty he had on all occasions displayed to his Leaders before he became a Member of the Government; but he proposed to regard the question in another manner. The noble Lord the present Leader of the House, in answer to the speech of his hon. Friend below the Gangway, referred to a precedent which had happened in 1835, and said it was by no means unusual for the House of Commons to be called on to sit into September. That was rather an ill-omened reference. It was true that in 1835 the House of Commons was called on by a Minister supported by a powerful majority to sit into September, and what happened? The Minister resigned; and it seemed to him not improbable that, if the Government continued to conduct the Business of the country as they had hitherto done, the precedent of the year 1835 might be

followed not only as to the length of the Session, but as to the second particular also. The noble Lord had said that the position of the House was due partly to the number of speeches on that side, and partly to the necessities of the country, which were clearly elucidated at the General Election, when it became imperative to carry out a great programme. But if there was one thing more notorious than another, it was that the late Opposition had no domestic programme whatever, and professed only the necessity of uniting to turn out the Government. The noble Lord had complained of the prolonged discussion on the Government Bills, and had charged hon. Gentlemen on that side of the House with repeatedly debating the principle of those Bills. He might remind the noble Lord that on one Bill of the late Government—the Army Discipline Bill—he had challenged the principle of the measure on five distinct occasions, and that charges of that kind could not very properly proceed from him. It had been said that the Bills introduced during the present Session were short and simple, and the noble Lord had complained of the 11 nights' discussion on the Compensation for Disturbance (Ireland) Bill. The Chief Secretary, however, had said on such a Bill every branch of the Land Question ought to be discussed, though the noble Lord now thought it unreasonable to do so. Again, the Hares and Rabbits Bill involved novel principles of legislation which necessarily involved considerable discussion. It appeared to him that the attacks of the noble Lord on the independent Members were totally uncalled for. Even the noble Lord himself had frequently addressed to them speeches that sometimes produced a more or less lethargic effect on both sides of the House. There was, he regretted to find, a disposition on the other side to prevent Gentlemen on the Opposition side from defending themselves. The noble Lord had come out in a new light to-night, and had addressed to the House an animated and a most aggressive speech. The noble Lord denounced hon. Members on that side of the House because six of them made 407 speeches in the course of the Session. Why, a Session or two ago one hon. Gentleman made 500 and another 248 speeches, and what action did the noble

Lord take then? His noble Friend below the Gangway had spoken of appealing eyes directed to the noble Lord; and he had himself risen on more than one occasion and appealed to the noble Lord as Leader of the Opposition to take his part in upholding the dignity of the House of Commons. The noble Lord was loud now in denouncing obstruction on that side of the House; but when night after night speeches were made which delayed the whole Business of the Conservative Government, and which were condemned throughout the whole length and breadth of the land, the noble Lord sat like a log on the Bench. He remembered one time when the House of Commons sat up all night on account of obstruction. Did he give any assistance then? The result was that the House was detained until 7 o'clock in the morning. The secret of this animated attack of the noble Lord was not very difficult to discover. This Government came into power not long ago with unexampled advantages. The right hon. Gentleman the Chancellor of the Duchy of Lancaster (Mr. John Bright) stated at a convivial meeting that it was the wisest Government, supported by the best Parliament, the country had seen for many years. Yet the Government was soon put in a minority by the best Parliament the country had seen. The Government were already beginning to be found out. During the short period they had been in power they had succeeded in harassing every interest; they were plundering, or attempting to plunder, every class; they had alienated so large a number of their own supporters that the chief measure of this Session was defeated in "another place" by a majority of their own followers; and now, in order to disguise their own misdeeds, and to conceal from the country what a hash they had made of their Business, the noble Lord came forward with, for him, a most unusual, an extraordinary, and a flashy speech, in which he endeavoured to throw on his opponents the onus of all the mismanagement of his own Party. The country would not, however, be hoodwinked in this manner. It knew perfectly well that the Government were to-day pursuing a most unusual and almost absolutely unprecedented course in order to try to get some little credit for themselves. They

were pressing forward measures which they professed to be of the utmost importance, but which, with hardly an exception, no one believed to be necessary to be passed this Session, merely that they might go to the country and recover some portion of the credit they had lost. But the country knew perfectly well what had happened; and before the Session came to a close this powerful Administration, with its immense majority, would appear to the country in its true light—namely, as a weak and an already discredited Administration.

MAJOR NOLAN pointed out that the debate had wandered from the real question, and had become a pot and kettle argument. On the Army Discipline Bill he had himself spoken frequently, and regretted that he had not spoken upon it oftener. He thought private Members were entitled to speak on such a measure as that as often as they thought it their duty to do so; but if hon. Members wasted the time of the House in needless harangues they must be prepared to bear the penalty of a prolonged Session. The hon. Member for Queen's County (Mr. A. O'Connor) had done good service in criticizing the Estimates. Talking, therefore, was not without its uses; and, so far from agreeing with the hon. Member for Hertford (Mr. A. J. Balfour), that the season for Business was passed, he thought the Government ought even now to bring in a Bill for Ireland embodying some portion of the Compensation for Disturbance (Ireland) Bill, which the House of Lords had rejected. He agreed with most of the measures which the Government had brought in, and he was fully prepared to give them his support in passing them, even if it were necessary to sit till October.

MR. BERESFORD HOPE regarded the irregular fashion in which that very debate had been carried on as a proof that the House was no longer in a fit condition to discuss the serious Business before it. The debate had been, as had been happily said, a mere pot and kettle cry from one side to the other—a wrangle as to who had howled most or obstructed most. Touching this question of Obstruction, he begged to point out that, from the nature of the case, most of the burdensome talking in Supply was done by independent Liberals; it was they,

and not the aristocratic Whigs or Tories, who had, from Mr. Hume's days downwards, wished to cut down the Estimates. The first, second, and third places in the race of obstruction fell to independent Liberals below the Gangway—English, Irish, or Scotch; and the Whigs and Tories were nowhere. As for the Hares and Rabbits Bill, it was, no doubt, a short measure in mere dimensions; but it trod on a great many corns, and excited a great deal of feeling among men who were accustomed to, and had the right to, make their voice heard on the affairs of the State. All things considered, this Bill had really consumed a very small amount of Parliamentary time; and had it been brought forward in March or April the Government would have congratulated themselves, at a date corresponding to the time which it had now reached, on the little opposition it had met with. He could not sit down without giving the House an illustration of the political wisdom of one whom he regretted not to see in his place that evening, and still more so, considering the reason of that absence. The extract which he was about to read contained the instructions of one of the greatest statesmen of the age as to how Members of the House should deal with discussions in Committee on Bills which were popular with the majority of the House, but which excited strong feelings on the part of small minorities. He was physically and actually sitting at the feet of his right hon. Friend, from whose speech the quotation was made, in those days when they were, both of them, Peelites, and were, as such, acting as the candid friends of both Parties. Mr. Gladstone said, late in the Session of 1857, speaking upon the Divorce Bill, that—

"He had listened with some amusement to his noble Friend's (Lord Palmerston's) statement with regard to the shortness of the Session, seeing that three-fourths of the Members had been sitting in that House since the month of January, their attendance only being interrupted by the agreeable interlude of a General Election, and that his noble Friend, one or two nights ago, in reply to an appeal from the noble Lord the Member for London, maintained that the Session must be considered, not from the time at which it began, but at which it should conclude. His noble Friend had had an affirmation of the principle of his Bill by a decisive majority, and no doubt the minority ought to bow to the fairly-expressed will of the majority, and if his noble Friend chose to persevere with the measure, they must struggle on at whatever personal inconvenience, and maturely discuss the

provisions of the Bill. Still, it could not be maintained that the Bill was of a nature peculiarly urgent to be passed in the present Session. He would also remind his noble Friend that the same duty which bound the minority to comply with the declared opinion of the majority on the principle of the Bill did not absolve them from the obligation of watching, discussing, modifying, and altering the provisions of the measure. As an opponent of the Bill, it might answer his purpose to retire from the Committee altogether, and depart into the country, allowing the Bill to pass with all its blemishes; but such a course he held to be contrary to his duty, and he conceived that it was incumbent on those who objected to the Bill to attend there night after night, and week after week, to debate, line by line, and word by word, if necessary, the details of a Bill of such great importance.

Had the Bills which were now before the House, he would ask, been debated "line by line, and word by word?" He was ashamed to say they had not; and if his right hon. Friend were present that evening—as he was sure every hon. Member wished him to be—he would, no doubt, lecture some of them on their culpable *laches*, self-seeking, and laziness in allowing important measures to pass through their hands without adequate discussion. In short, the House would not be fulfilling its duty, as prescribed by the Prime Minister, if Bills like the Burials Bill and others which he need not name were not duly, fully, and minutely criticized.

EARL PERCY said, that he, at all events, did not feel that he was open to the charge of obstruction. Nor did he think that any section of the Conservative Party was fairly liable to such an accusation. It had been said that the Conservative Party was not a united Party. There was no foundation for such a statement. There was no difference of opinion between the Party and its Leader. They were unanimously determined to support their opinions by any means in their power. But it was said that if there was no obstruction, still the opposition practised by the Conservative Party was such as should not be practised in the House of Commons. He denied that charge, and, in support of his views, he would read a letter written by a well-known person, which appeared in an influential Provincial paper published in the North of England. He referred to *The Newcastle Daily Chronicle*. The letters in that paper on the subject of Business in that House were known not to be uninspired by a gentleman greatly respected in that House,

and a supporter of Her Majesty's Government, to whom he was not at liberty more particularly to refer. [The noble Earl then proceeded to read extracts, which were to the effect that there had been but little obstruction in the House this Session; that the Opposition had criticized the measures of the Government, and tried to alter, and, in some instances, to delay them, but that this course had been the one usually adopted by a Parliamentary Opposition, and resembled that of a Liberal Opposition in the last Parliament, and that of a Conservative Opposition in the Parliament of 1868, which succeeded in throwing over the Ballot Bill from one Session to another.] There seemed to be some confusion in the minds of some hon. Members between a legitimate and an illegitimate opposition. He was sorry to say that since he had been in the House a great change had taken place in the ordinary conception of the duties of an Opposition. In his opinion, the minority opposed to a Bill should take their stand upon some clause of that Bill, express their views upon it, and uphold those views by every means in their power, whether they were a minority of 50 or a minority of 5. The Hares and Rabbits Bill raised a great principle; and were hon. Gentlemen, having taken one division and been beaten, to go into the country and leave the Government to fashion the measure as they pleased? That was not his view of the legitimate duty of an Opposition. But what really deserved to be called obstruction was the opposing of all measures on all occasions for obstruction's sake. The Government had received very determined opposition to some measures they had brought forward; but the reason was because they had deferred the consideration of the most important Bills of the Session to a late period, and had spent a great part of the Session in pushing on a Bill of an extraordinary character, which nobody wanted. They had determined to force that Bill not only through that House, but also through "another place." But if Her Majesty's Government, or any other Government, could act in that way, it would be able to rule the country without any check from the House of Commons or from the other House. Many shifts and changes had characterized the policy of the Government during the last few weeks. Those



shifts and changes had been forced upon them by a section of their followers. Well, then, he would ask the Government what, in common fairness, was the duty of a minority in such a case? If the Government placed themselves in such a position as to exempt themselves from all criticism, not only to pass their measures by the force of their majority, but to drown all criticism by the force of the same majority, there were but two courses for a minority to take. One course was for a few Members to maintain their right to criticize, and thus lay themselves open to a charge of obstruction; the only other course was for the minority to take that action which would be inexcusable in any other circumstances, and which was worse than anything except the control of an absolutely uncontrollable and irresponsible Government.

MR. NEWDEGATE said, the right hon. and learned Gentleman the Secretary of State for the Home Department, a high official of the Liberal Government, had taunted the Opposition with its want of organization; and it really seemed to be a characteristic of modern Liberalism that it objected to independent action. One of his (Mr. Newdegate's) earliest lessons in politics was taken in the United States of America, and it had been his fate to live to see the organization, which the Americans called Caucus, imported into Birmingham, and to see, also, on the Front Bench opposite two right hon. Members of the Cabinet, who were Members for Birmingham, as also Members of a Caucus. He had been gratified, at the commencement of the Session, when a most important Constitutional question—as to the admission of one of the Members for Northampton—was before the House, to see some spirit of independence which was then manifested by hon. Members, who were usually supporters of the Government. The occasion was one well worthy the manifestation of independence; but he regretted to have seen that the independence of hon. Members on the Government side of the House did not survive a second trial, and that it appeared to have now quite faded away. He (Mr. Newdegate) claimed to be an independent Member; but there were few independent Members now in the House, and the House of Commons would lose its chief characteristic if it lost the

presence of independent Members. Any one who had witnessed and watched the conduct of the House of Representatives in the United States must be conscious of the great superiority of the English House of Commons, and that the latter had owed its superiority to the independence of its Members. But this importation of the Caucus system was most dangerous to independence. American experience had shown that independence was far more grievously compromised by the democratic system of Caucus than by almost any extent of aristocratic interference. He really thought that Her Majesty's Ministers had nothing to complain of in the conduct of the legitimate Opposition; and, speaking as a humble but independent Member, he begged to affirm that he for one was not, even at that late period of the Session, prepared to hand over the authority and functions of the House of Commons to the Representatives of the Crown. He and those who agreed with him meant to maintain the independence of that House; and if they were kept there for an unusual period, for that Her Majesty's present Ministers must be held responsible, and had no just reason to complain if they had met with opposition. For what had happened this Session? Her Majesty's Government introduced the Compensation for Disturbance (Ireland) Bill. That Bill had not been announced in Her Majesty's Speech at the opening of Parliament. It was an ill-conceived Bill; a measure fraught with a vicious principle; and the other House of Parliament had rejected it by a vast majority. The waste of time in that House had been the consequence chiefly of discussing that futile Bill, and for that Her Majesty's Government must bear the blame. The independent Members of the House might be charged with unduly opposing that measure; but they might, in their justification, point to the verdict of the House of Lords. They were determined not to make over the authority of Parliament to the Crown. It was time that that should be affirmed, when Her Majesty's present Ministers attempted to pass through the House important measures at an undue period of the year—measures which ought to have been considered earlier in the Session; but the best days of the Session were wasted in the discussion of that Bill. The hon. and gallant Member

from Ireland (Major Nolan) said that if that measure was deemed necessary for Ireland, as the consequence of its defeat in the House of Lords, some other measure ought to be substituted. He (Mr. Newdegate) could understand that some measure with respect to Ireland might be deemed urgent, and the Government justified in retaining the House in Session; but not one of the measures which they were thrusting upon the House in such an untimely manner was a measure of that urgent character, and if they had met with opposition it was an opposition directed as much to maintain the independence of the House of Commons as it was against the measures they had pressed forward. He hoped the House would excuse him, as an independent Member, for thus briefly expressing his convictions, the result of long experience, and declaring that if the time of the House had been wasted this Session, it had been wasted by that abortive measure which had been rejected by the other branch of the Legislature—the Compensation for Disturbance (Ireland) Bill.

LORD ELCHO said, he wanted to state one little statistical fact. That House had now apparently constituted itself a statistical society, and they had had a number of figures as to the number of times particular Members had spoken. It had been stated that six hon. Members spoke this Session some 400 and odd times; but it was a fact that one Member of that House, in the year 1870, spoke 223 times on one Bill, and the Member who did that was the present Prime Minister.

COLONEL MAKINS said, the course of the debate had wandered somewhat from the terms of the Motion, and he only desired to recall the House for a very short time to the considerations which that Motion suggested. The principal things that were touched upon in Her Majesty's Gracious Speech were Foreign Affairs, Indian Affairs, Indian Finance, South African Affairs, Peace Preservation in Ireland, the Burials Bill, Ballot Act, Ground Game, Employers' Liability Bill, and Borough Franchise. Of Foreign Affairs they had heard next to nothing, and they had heard scarcely more of Indian Affairs. Indian Finance had got one evening, late in the Session, devoted to it, and the debate was now adjourned to a day of which at present

they had no knowledge. South African Affairs, he believed, were to be debated on the Estimates, which, he imagined, would be some time towards the end of next week. The Peace Preservation Act for Ireland was going to be abandoned—had been, in fact, abandoned—and he fancied that the Government wished they had not taken that step. At any rate, the question of Peace Preservation for Ireland was likely to require a good deal of their attention during the Recess. The Burials Bill, which probably was considered by the country, and those who were sent to that House to support the Ministry, as the most important measure in the programme, was read a second time on the 12th of August, and the Committee on that Bill, they were told on the previous night—he admitted wrongly—by the right hon. and learned Gentleman the Home Secretary, was to be relegated to the close of the Session, because it would not be necessary to discuss it till then, as it was not going back to “another place.” He imagined that the Government, when they entered the Burials Bill upon their list, desired not only to reward the fidelity of their supporters, but also to get rid of a burning question of which they might equally have got rid by a Bill to prohibit cremation. The Ballot Bill remained for consideration. The Ground Game measure had occupied a great deal of their time, and was still in Committee. There had been a complaint that night that second reading speeches had been made over and over again on that Motion. But he agreed entirely with the observations of the noble Lord beside him (Lord Elcho) that it was the duty of the Opposition, when a principle of vital importance was attacked in a Bill, to take every opportunity of recording their views. Therefore, in his opinion, it was not chargeable against the Opposition that they were indulging in obstructive tactics, when they raised the question of the proposed violation of freedom of contract every time that it came up in the course of the debate in Committee. The Employers' Liability Bill had at last gone to “another place,” and there he had no doubt it would receive ample consideration, considering the time of the year at which it arrived there. The Borough Franchise (Ireland) Bill had been dropped; and there was the whole programme. Her Majesty's

Government was in this dilemma—either the Bills which they had brought forward were of great importance, and, therefore, they ought not to be asked to hurry over them, and to carefully criticize and examine them; or else they were not of great importance, and then why should the House be kept there to discuss them at that time of the Session? He thought the hon. Member for Hertford (Mr. A. J. Balfour) was entitled to the thanks of the country for having raised that question, because the state of things existing at the present time, as had been shown by various speakers, was almost entirely without precedent. The noble Marquess the temporary Leader of the House had gone back as far as 1835 for a precedent; they had heard from a very high authority of musty precedents, and that must be one which was mildewed, if not musty. But what was the result of all that work? To force the House, at the end of August, either to abandon its functions of discussing measures, or else to fasten upon the Opposition the charge of Obstruction. The result of keeping the House together had been also to half kill the Prime Minister, and to render more than one Member of the Government *hors de combat*. He did not know how many more would fall from their perches during the next week. But he knew that a very arduous task was before them. If the Government had dealt with Supply *de die in diem* at first, he maintained that there would not have been so much time wasted. The difficulties in which the Government was at present placed were mainly due to the fact that at first the Government could not make up its mind that the hypothesis of infidelity ought to be seated upon their Benches; and when they had made up their minds to it, they had to lose much more time in getting their followers to support the entry into that House of the Apostle of Agnosticism. After wasting time in that way, there came the Compensation for Disturbance (Ireland) Bill. He would not waste time in discussing it. The other House had made short work of it, and he did not think people regretted its premature decease. Reference had been made to the number of speeches delivered on one side of the House or the other; but that had very little to do with the question now before the House.

Colonel Makins

What they had to consider was, whether it was desirable that the present system, introduced in 1880, of deferring important measures until the very end of the Session, and then calling upon the House either to abandon its functions, or to pass the measures, was one which ought to be followed hereafter. He thought the Motion of his hon. Friend was very necessary; and he was sure that debate would not be in vain if, in future years, the Government were induced to lay down their programme early in the Session, and to stick to it, instead of wasting time in discussing questions which were of no importance.

Question put.

The House *divided*:—Ayes 119; Noes 59: Majority 60.—(Div. List, No. 133.)

Question again proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn*.

Supply Committee upon *Monday* next.

HARES AND RABBITS BILL.—[BILL 194.]

(Mr. Gladstone, Secretary Sir William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel.)

COMMITTEE. [Progress 20th August.]

Bill *considered* in Committee.

(In the Committee.)

Clause 5 (Saving Clause).

MR. WARTON said, he begged to propose an Amendment the clause. In line 17 he wished to omit from the word "for" to the end of the clause. The passage he wished to leave out was to the effect that tenancies at will should be deemed to determine at the time when they would by law become determinable, if notice or warning to determine the same were given at the date of the passage of the Act. His object in moving the Amendment was to maintain, as far as he could, what was left of the principle of the Bill. He wished to enable the Government to be consistent. They had steadily refused the Amendments of the hon. Member for Forfarshire (Mr. J. W. Barclay). He wished to call the attention of the Government, particularly that of the right hon. and learned Gentleman the Home Secretary, to this—that when he asked their permission, some time ago to alter the words at the beginning of the clause

—"the date of the passing of this Act" to "27th May, 1880"—which, no doubt, the right hon. and learned Gentleman had withdrawn, although he (Mr. Warton) hoped not for ever; he did not mention whether he was going to apply the Amendment to the last words of the clause—namely, those words to which he was now calling attention. If the right hon. and learned Gentleman did that, it would make the notice shorter than that given by the latter part of the clause. Why, he (Mr. Warton) asked, should a tenancy from year to year, or a tenancy at will, determine except by contract between the parties? Why should the artificial measure be brought in to place the leases he was referring to in a worse position than those in the earlier part of the clause preserved so carefully? He would not take up more time of the Committee, and what he wanted to do was to call the attention of the right hon. and learned Gentleman the Home Secretary to this, that what he had proposed was a still further limitation.

Amendment proposed, in page 4, line 17, to leave out from "For" to the end of the Clause.—(Mr. Warton.)

SIR WILLIAM HARCOURT said, he must decline to accept the Amendment. It was unnecessary in order to deal with cases of tenancy from year to year. If they were not dealt with, the Act with regard to them might remain inoperative.

Amendment *negatived*.

MR. RODWELL said, he had on the Paper the following addition to the Clause at end—

"Provided always, That when the sporting rights of the occupier of any land are vested by any lease or otherwise in the owner of such land; and such owner has leased the sporting rights over such land to a third party, the occupier may, unless the owner has previously given him authority in writing to destroy ground game according to the provisions of this Act, sue the owner in the County Court of the district in which such land is situate, and recover damages for injury done to him by excess of ground game, and the owner shall pay to the occupier such amount by way of compensation for such injury as the County Court Judge may order and direct, having regard to the nature of the land, the rent paid, and the quantity of game found upon such land when the occupier entered upon his tenancy."

After the decision which had been arrived at with regard to the Amendment of the hon. Member for Forfarshire (Mr. J. W. Barclay) he did not think he

would be justified in pressing his Amendment on the consideration of the Committee; therefore, by leave of the Committee, he would withdraw it.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 6 (Interpretation Clause).

SIR DAVID WEDDERBURN said, he wished to move, as an Amendment, in line 23, after the word "mean," to insert the word "deer." The words of the clause would then run—"the words ground game mean deer, hares, and rabbits." Whatever objection might be raised to that Amendment, it seemed to him that it could not be said to be contrary to the spirit of the Bill. The Bill said—

"Whereas it is expedient in the interests of good husbandry, and for the better security of the capital and labour invested by the occupiers of land in the cultivation of the soil, that further provision should be made to enable such occupiers to protect their crops from injury and loss by ground game."

Now, when it was proposed to extend the provision of the Bill to all sorts of game, he could not support the proposition; because, having carefully considered the evidence on the subject, it appeared to him that there was no case at all made out for such a course. However, another proposal was made, to the effect that instead of the words "ground game" in the Bill, the words "hares and rabbits" should be inserted. Well, the Committee had pronounced against that almost unanimously, and the words "ground game" were retained. Except in this 6th clause, there was no mention of hares and rabbits at all, the invariable phrase being "ground game"; and he thought it would be admitted that hares and rabbits were not the only game in the country which could be considered "ground game." There was another animal that, in every sense, was on all fours with hares and rabbits. It was a fact that the kind of game to which he was referring did a considerable amount of damage in particular localities, and under particular circumstances. A few years ago, in the evidence given before the Committee on the Game Laws, some questions were asked upon this subject; and he remembered the right hon. Gentleman the Vice President of the Council (Mr. Mundella) stating that deer would come

many miles, even 12 or 13 miles, to feed on turnips during the summer. Then the hon. Baronet the Member for Berwick (Sir Dudley Marjoribanks), who was not that evening in his place, stated in evidence that deer would come miles and miles to eat oats when they were ripe. He (Sir David Wedderburn) himself had had some personal experience of this. He had known a great deal of injury inflicted on the crops of small farmers by the deer coming at night to eat the oats and potatoes. The deer were never disturbed, and committed their depredations with impunity; and, in fact, in course of time, they became so tame that it was almost impossible to drive them away. People had sometimes to sit up all night watching their crops, in order to save them from the deer. Of course, the Amendment would not apply to deer parks, where there was no occupier but a lessee, neither would it apply to mountain forests. It would be applicable only to cultivated land. He knew there were many hon. Members who would corroborate the statement that the injury in the case he was referring to was sustained mostly by poor people, small farmers, shepherds, and so on. He hoped the right hon. and learned Gentleman (Sir William Harcourt) would see his way to accept the Amendment.

Amendment proposed, in page 2, line 23, after "mean," to insert the word "deer."—(*Sir David Wedderburn.*)

SIR WILLIAM HARCOURT trusted his hon. Friend (Sir David Wedderburn) would not add to the difficulties of the Bill by insisting upon this Amendment. He was in error in supposing that his proposal would not apply to deer forests and moors. It would bring them under the 4th sub-section of the Proviso, and any sheep farmer, on what some Members had been in the habit of calling sheep-farm land, would have the right of killing a stag, if he could get sight of one, from the 11th of September to the 31st of March. That would lead to the destruction of every deer forest in the country; and he, therefore, trusted that the Amendment would not be pressed.

SIR THOMAS ACLAND said, he was not much of a sportsman, only having been out stag hunting once in his life, under the auspices of the hon. Member

for West Somerset, who was a great stag hunter. In the absence of the hon. Member, who, no doubt, would have spoken on the subject had he been present, he wished to express a hope that nothing would be done hastily to destroy stag hunting.

SIR DAVID WEDDERBURN asked the right hon. and learned Gentleman the Home Secretary, if he spoke advisedly when he said the Amendment would apply to deer forests?

SIR WILLIAM HARCOURT said, it would apply to sheep grounds which deer frequented, and where they were sometimes shot. Deer forests were, as a rule, places where the sheep had been taken off, although sometimes sheep were still to be found upon them.

COLONEL MAKINS said, the hon. Member (Sir David Wedderburn) spoke from the Scotch point of view, and, perhaps, he did not know that there were many herds of deer in this part of the United Kingdom which were very highly prized by the people. They were a great ornament to many park lands which were let for grazing purposes. If the Amendment were carried, any farmer who rented these park lands for grazing purposes might destroy one of the greatest ornaments of the country.

Amendment *negatived*.

SIR WILLIAM HARCOURT moved to omit the following words from the Clause—

"The word 'agents' means any member of the household of the occupier habitually resident upon the land in his occupation, or persons in his service on such land, or *bonâ fide* employed by him for reward for the taking and destruction of ground game."

They had become unnecessary, owing to alterations which had been made in previous parts of the Bill.

Amendment proposed, in page 2, line 24, to omit from the word "The" to the end of the Clause.—(*Sir William Harcourt.*)

MR. GIBSON said, he had no objection to the Amendment; but he wished to point out that it would be much more important to consider the necessity of retaining the clause at all. It was absurd to retain, as a clause, a provision of only one line—an Interpretation Clause saying that for the purposes of the Act the words "ground game" meant "hares and rabbits."

*Sir David Wedderburn*

Amendment *agreed to*; words *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 7 (Repeal of s. 12 of 1 and 2, Will. 4, c. 32).

MR. PUGH said, he wished to move an Amendment to omit the latter part of the clause—namely, the words “in so far as it is inconsistent with this Act.” He could not see any other way of meeting the object he had in view except by the omission of these words. The section referred to in the Bill, “section 12 of 1 and 2, Will. 4, c. 32,” was a section under which tenants were liable at the petty sessions for breach of agreement with the landlord. No doubt, a large majority of the Committee would be with him—hon. Members agreeing that this measure in the Bill ought to stand in the same position as breaches of other clauses of agreement. Supposing the tenants ignored any of the other provisions of their agreement, no summary remedy of this sort would apply; and he could not help thinking that if there had been Representatives from tenant farmers in the House when that Act was passed, section 12 would not have been allowed insertion. It would be much more satisfactory to all concerned if that enactment were now repealed. He appealed to hon. Members opposite whether that section was of any use, and whether it was not seldom that it was had recourse to? As a matter of fact, the only time it was put in force was when it was desired to show the superior position in which the proprietors stood when they had a grievance against their tenants. He had no experience of prosecutions under the section, and he did not remember a single tenant farmer having been convicted under it. He was sure that if a landlord wished to prosecute a tenant under that section, it would be better that the landlord and tenant should part at once. The country would prefer the omission of the words, and the total repeal of the section to which he referred.

Amendment proposed, in page 2, line 33, to omit the words from “in” to end of Clause.—(*Mr. Pugh.*)

SIR WILLIAM HARCOURT said, he concurred very much with the view of the hon. Member for Cardiganshire (*Mr. Pugh*), and when the Game Laws

came to be reviewed—and in many particulars he considered they required review—he thought one of the first things that should be done should be the repeal of Clause 12 of that Act of William IV. He agreed that, in many respects, it was vexatious and useless for the landlord to have, under this provision, the power to enforce penalties against an occupier for killing game on his land; but the present measure, it must be remembered, affected only ground game, whereas the Amendment would repeal a section which had reference to all game. He did not think it would be advisable to go entirely out of the provisions of the Bill as the Amendment would take them in providing a general reform of the part of the Game Laws. Whilst he did not oppose the view of the hon. Member with regard to this 12th section, he thought they ought only to legislate in view of the present measure, and that the section ought to be altogether repealed when the Game Laws were reformed. It would be adding considerably to the difficulties of the measure, if it were to go forth as a Bill not only to attempt the destruction of ground game, but to alter the law as to winged game. He hoped the hon. Member would not press the Amendment, but would allow him (*Sir William Harcourt*) to substitute for Clause 7 an Amendment repealing any provision in the Act of Parliament, and any law inconsistent with the present Bill, so far as it was so inconsistent.

Amendment *negatived*.

Clause *struck out*.

Clause 8 (Short Title).

MR. WARTON said, the clause stated that the Act should be cited for all purposes as “The Ground Game Act, 1880.” He wished to move, as an Amendment, in page 2, line 35, to substitute the words “Hares and Rabbits” for the words “Ground Game.” His reason for bringing forward this proposal was that the measure, for more than two months, had been endeared to them by the familiar name of “Hares and Rabbits,” and it would be as well that in the future they should not be met by any other title than that with which they were accustomed. The “Ground Game Act” might be confused with the “Burials Act.” [“Oh, oh!”] Well, there was a better reason

still—namely, that the alteration would dispense with the necessity for the 6th clause. As the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had shown them, it would be absurd to have an Interpretation Clause consisting of only one clause. No interpretation would be necessary, if his (Mr. Warton's) proposal were accepted. He knew the objection to his Amendment would be that, throughout the whole of the Bill, the words "ground game" had been adopted. But his reply to that was, that that was no reason why, in the title of the Bill, they should not have the words by which they knew it, and loved it so well. There was a recent precedent for the change he proposed; for, at the last moment, the proposed short title of the "Employers' Liability Bill" was altered, the words "Workmen's Compensation Act," in the clause, being struck out, and "Employers' Liability" inserted.

Amendment *negatived*.

Clause *agreed to*.

SIR WILLIAM HARCOURT moved the following new Clause, in lieu of Clause 7:—

(Repeal of Acts.)

"Any provision in any Act of Parliament, and any law inconsistent with this Act, shall, so far as it is so inconsistent, be repealed."

New Clause (Repeal of Acts) *brought up*, and read a first and second time.

Motion made, and Question proposed, "That the Clause stand part of the Bill."  
—(Sir William Harcourt.)

COLONEL MAKINS said, he could not help thinking that that was a new way of dealing with provisions in other Acts of Parliament, for he must say that, to the best of his belief, the general practice was to recite the sections of the Acts which were inconsistent with the Bill, and state, in the measure, that they were repealed. If they did not do that they left it to those who had to carry out the laws, the Judges of the country, to find out and declare what Acts were or were not inconsistent with the measure. Those who had to carry out the law and interpret the measure might take a very different view as to what was inconsistent from that which would be taken by Parliament itself. He thought the best course would be for the right hon. and

learned Gentleman to add a Schedule at the end of the Bill, declaring what Acts were hereby repealed.

MR. PUGH expressed a hope that the spirit of the Amendment moved would be accepted. The section to which he had before referred, Section 12, was one which ought to be repealed, if any of the Game Laws at all were got rid of in the Bill of the right hon. and learned Gentleman. The right hon. and learned Gentleman the Home Secretary told them that such provisions would be repealed at the proper time; but what time, he (Mr. Pugh) would ask, could be a more proper and fitting time than the present? The repeal of the Act to which he had referred would benefit the country and give great satisfaction; and he trusted the right hon. and learned Gentleman would agree to the insertion of the words in the spirit of his proposal before the new clause which he had just introduced.

MR. EDWARD CLARKE said, he should like to know from the right hon. and learned Gentleman the Home Secretary what was meant by the words—

"Any provision in any Act of Parliament and any law inconsistent with this Act should, as far as it was so inconsistent, be repealed."

It seemed to him (Mr. E. Clarke) that the Act must have the same effect without any such provision. [SIR WILLIAM HARCOURT: Just so.] The right hon. and learned Gentleman agreed with him; surely, then, it was mischievous to insert in the Bill that which was utterly useless. Either that provision was necessary, or it was not. If it was not, it certainly was mischievous to put it in.

SIR WILLIAM HARCOURT said, if they were all lawyers, that, no doubt, would be true. But, as he had said several times in the course of the discussion, the whole of the measure was unnecessary as a matter of law, except the 1st clause, which said that every occupier should have, as inseparable from his occupation of the land, the right to take and kill ground game thereon. In fact, the substance of Clauses 2 and 3 was contained in the 1st clause, and yet those clauses had been inserted in order to make the Act clearer to the general public. He appealed to hon. Gentlemen opposite, whether, in the Army Discipline Act of last Session, it had not been thought desirable to provide—

*Mr. Warton*

"That the clauses of any enactments inconsistent with the provision of the Army Discipline Act of 1879 should on that Act coming into force in any place be repealed as effected that place."

As a matter of fact, the proposal he now made was inconsistent with the modern form of drafting these Bills. [Mr. Gibson thought it was quite different.] On the contrary, that was the proper form of dealing with other Acts of Parliament. He had the authority of Sir Henry Thring for saying that. It was true that every Act of a positive character did repeal every previous statute which was inconsistent with it; but that had never prevented draftsmen, in drafting Acts of Parliament, in order to make them intelligible, declaring that such portions of other Acts as were inconsistent with the Act in hand were repealed. The moment they said, in the present Bill, that the occupier was to have a right of shooting ground game as inseparable from his occupation, they rendered unnecessary the rest of the provisions. The object of the Amendment was that people who were not versed in matters of this kind might clearly understand the measure, and it was for that reason that he had agreed to put in Clauses 2 and 3, which were perfectly unnecessary from a legal point of view. He had only to ask the Committee to accept the clause on the authority of the draftsmen.

Mr. GIBSON said, that, no doubt, great weight attached to Sir Henry Thring's opinion; but, at the same time, the opinion of the House of Commons was also entitled to consideration. They were bound to exercise their judgment in matters of the kind, and he did not think the right hon. and learned Gentleman the Home Secretary had properly met the very fair and temperate proposition of his hon. Friend. Let them look at the thing in the light of common sense, and not in view of the opinion of any authority, however august. The effect would be to practically hand over to the magistrates the administration of a very difficult and complicated duty. It was not fair to hand over to those who had to administer this measure the consideration of a lot of Acts of Parliament which were proposed to be covered by this new clause. He did not wish for a moment to detract from the great benefit successive Governments had

derived from the drafting powers of Sir Henry Thring; but he (Mr. Gibson) would suggest that, in a matter of such consequence, if it were possible before the Report, without undue trouble, for a Schedule to be prepared, referring to the sections of other Acts repealed, it would prevent a great deal of litigation. He did not think that was an unreasonable proposal. Of course, if it could not be done before the Report he should at once acquiesce in the course proposed by the right hon. and learned Gentleman; but he thought it desirable that the draftsmen, and those who had charge of the Bill, should consider the clauses of those Acts of Parliament with which this measure would come into contact. If it could be done, therefore, for the guidance of the magistrates and the proper administrators of the law, the information should be put in the Schedule. If it could not be done, it was no use pressing the matter any further. The present proposal really carried the Bill no further, as it did not give any light to those who had to administer the law; and he really thought that, except as an ornament, it had no practical use.

LORD ELCHO thought the suggestion made by his right hon. and learned Friend (Mr. Gibson) would tend to give magistrates, who had to administer the Bill, facilities for doing so, and would be likely to prevent errors into which they might otherwise fall. For instance, the Bill declared that it would repeal whatever was inconsistent with the Act; but that raised the question of what was the present state of the law. In England, they had no compensation for damage by either Common or Statute Law. In Scotland, the occupier had a right of compensation for damage by game, whether it was ground or winged game, both at Common Law and at Statute Law. He (Lord Elcho) wanted to know whether the Common Law of Scotland and the Statute Law of Scotland—namely, M'Lagan's Act—were to continue in force as they were inconsistent with that Bill? By the Bill, as it now stood, they would establish two different laws in the two countries, and would leave the Scotch landlords in a much worse position than the English landlords, for they took from the landlord what, in Scotland, was his property, and not a mere right of sporting, and to



this they gave the tenant a concurrent right, and yet they left the landlord liable to pay compensation for damage by game. The Committee could not intend to establish such an anomalous state of things as that, especially as in the leases which he had read that day there was a provision that when the power of destroying, or shooting, or trapping ground game was given to the tenant, he was not to ask compensation for any damage done. How would those agreements be affected by the Bill? He ventured to think that if this question was postponed for consideration until the Report the whole matter might be properly and carefully considered in the meantime.

COLONEL MAKINS asked, if there was any insuperable objection to including this clause in the Schedule to the Act, giving the names of the Acts, instead of dealing with the matter in this way?

MR. OHITTY hoped the right hon. and learned Gentleman the Home Secretary would stand by the clause. The magistrates, who would have to interpret the Bill, would otherwise find themselves in the difficulty of having to hunt through every Act of Parliament, and to contrast its clauses with those of the Bill, in order to find out whether the Bill did or did not repeal them. As the clause stood, it made a clean sweep of everything, and there would be no difficulty whatever in the interpretation. It was a rule in the interpretation of statutes that special enactments were not repealed by general; and if this special repealing clause were omitted, it might happen that some particular clause in an existing statute might be discovered which, it might be urged, was not overridden by the general provisions of this Bill. As the measure at present stood, however, the whole matter was put in a perfectly satisfactory position.

MR. GIBSON said, he had not at all lost sight of all that; but the point he was making could be at once grasped, and was quite consistent with his suggestion. Let the draftsman and the right hon. and learned Gentleman together set forth all the Acts that must have been present to their minds when they were drafting the Bill, and when they had set them out, let them add general words which might be added, in order to cover other cases

which might possibly turn up on investigation.

MR. A. ELLIOT asked the right hon. and learned Gentleman the Home Secretary, whether some distinct notice ought not to be taken of M'Lagan's Act, because that gave compensation for damage done by ground game. Unless the Bill especially dealt with that Act, it would be open to the tenant to maintain that this measure merely conferred on him an additional privilege, and was not a substitute for the privilege conferred by that Act. Therefore, the measure ought distinctly to state whether it did or did not repeal M'Lagan's Act.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he supposed when the tenant could kill the ground game as much as he liked he would have very little chance of getting compensation for damage done by it from his landlord. It would be very dangerous to insert a Schedule, with the Acts that were inconsistent with this Act, because there would be some danger of leaving out some particular clause. Again, the noble Lord opposite (Lord Elcho) had mentioned that a tenant had certain rights by Common Law in Scotland; but it was impossible to schedule the Common Law; while if they accepted the principle of scheduling the Acts they would merely get all the evils of a hard-and-fast definition. He was sure that that was merely a theoretical discussion, and he hoped the Committee would not spend much time over it.

MR. JAMES HOWARD thought the arguments of the hon. and learned Gentleman the Attorney General did not meet the arguments which had been put forward in favour of scheduling the statutes. In his opinion, the laws of England ought to be as plain as they could possibly be made; and, therefore, he did appeal to the right hon. and learned Gentleman the Home Secretary to listen to the suggestions which had been made in respect of incorporating in a Schedule all the statutes which this Act repealed. He had had some experience, during the last few years, in endeavouring to find out what was the law of England upon particular subjects; and the interminable trouble he had found in referring to Acts of Parliament, and then tracing them backwards and forwards, was almost inconceivable. He,

*Lord Elcho*

therefore, hoped that all the statutes repealed by the Act would be incorporated in the Schedule.

MR. GIBSON said, his hon. and learned Friend the Attorney General and his hon. and learned Friend the Member for Oxford (Mr. Chitty) had both failed entirely to meet the suggestion he had offered. His proposition was a very clear one, and it was impossible, he thought, not to understand it. The draftsman of the Bill and the right hon. and learned Gentleman in charge of it must have considered, at some point or other, in putting it together, the Acts of Parliament and the provisions of the Common Law with which it came into conflict. All he asked was that, so far as the Acts of Parliament were known to them, they should be set out in the Schedule to the extent they were thought to be inconsistent with this Act. That alteration could be made perfectly well by putting at the beginning of this clause a few words—

“That the Acts of the Schedule herein, to the extent set forth in the second column, and any provision of any Act of Parliament, and any law inconsistent with this Act shall, so far as it is so inconsistent, be repealed.”

[“Oh!”] It was very easy to get rid of a criticism by attempting to convey to the Committee that it was one not approved of; but he should like to know whether his proposition, which was a clear and straightforward one, would not be a great deal more satisfactory to magistrates than the words at present proposed in the clause, which did not give the magistrates one single ray of light to assist them in their work. It was desirable that Acts of Parliament, as far as they were known, should be stated; and as he did not lay down any hard-and-fast line in his proposition he did not understand why it should not be accepted. All he asked was, that the right hon. and learned Gentleman the Home Secretary and the draftsman, who, he supposed, was Sir Henry Thring, should settle between them the Acts which, during the preparation of the Bill, came to their knowledge. If his right hon. and learned Friend, however, on consideration, thought he could not do this before the Report, he (Mr. Gibson) would not raise the question again.

SIR WILLIAM HARCOURT said, his right hon. and learned Friend (Mr. Gibson) would perhaps allow him to pre-

sent a case as it would actually occur. When there was a prosecution, the prosecutor proceeded either by Statute or at Common Law. The magistrate would not have to inquire what any of these Statutes were, or what the Common Law was, because this section told him that whatever the Statute was, and whatever the doctrine of the Common Law was, if it was inconsistent with this Bill it was repealed.

MR. WARTON said, he thought it was exceedingly cruel to introduce the name of Sir Henry Thring. Until he heard that gentleman named as the draftsman of the Bill he had a great respect for him; but now that he learned that he was a draftsman of these Acts he lost that respect, because magistrates and Judges, day after day, were deliberately condemning the slovenly way in which Acts of Parliament were drawn. Nothing gave the Judge more trouble than clauses of this sort; and the precedent found by the hon. and learned Gentleman the Member for Oxford (Mr. Chitty) did not apply exactly, because he referred to Acts of Parliament which dealt with particular places, while this Bill, as a general Bill, was still worse.

MR. PUGH said, that whatever the observations he made, and the objections he had to offer, they would none of them be either technical or theoretical. He would ask the hon. and learned Gentleman the Attorney General and the Committee this question. Supposing a tenant gave verbal permission to a man to go and kill hares upon his farm. He would be entitled to give that permission; but it would have to be in writing. Supposing, further, that the tenant was thereupon summoned, and proceeded against at the petty sessions under Section 12, was he, or was he not, liable to a fine of 40s., and in default to a month's hard labour, simply because he did not give the permission properly in writing?

THE ATTORNEY GENERAL (SIR HENRY JAMES) said, he would not be liable, under those circumstances, in any case. This only applied to the occupier and the person who went on the land, whether with that permission or without, would be liable only as a trespasser.

MR. PUGH said, Section 12, the section under notice, was to the effect that if an occupier went upon the farm he occupied, and killed game himself, or gave

permission to another person to go there to kill game, that he was liable to be fined, and imprisoned in default of payment.

LORD ELOHO said, that was a very important question as regarded Scotland; and he wanted it to be made very clear as to whether, by these words, they were to consider that both M'Lagan's Act and the provisions of the Common Law were to be repealed, and of none effect.

SIR WILLIAM HARCOURT said, that he thought the point raised by the noble Lord (Lord Elcho) about M'Lagan's Act and the question of compensation deserved consideration, and ought to be cleared up. He would give an answer to the noble Lord on the Report.

Question put, and agreed to.

Amendment proposed, after Clause 7, insert the following Clause :—

(Saving of Hares Preservation (Ireland) Act.)

"Nothing in this Act shall authorise the killing and taking in Ireland of any hare or leveret during the time for which the killing or taking of hares or leverets is prohibited by 'The Hares Preservation (Ireland) Act, 1879.'" — (*Sir William Harcourt.*)

Clause brought up, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. SEXTON said, he must repeat what he said last night, that there was not the slightest reason for the clause. The Government had admitted that there was no reason for it; and, for his part, he thought there was a conclusive and irresistible reason against it, that a close time for hares was inconsistent with, and in opposition to, the interests of good husbandry. Hares required no more protection in Ireland than elsewhere. In Ireland the tenants were poorer, and the difficulties of cultivating the land much greater. Therefore, he did not understand why hares were to be protected in Ireland and not anywhere else. He thought that the clause should not be inserted, and he knew that many hon. Gentlemen agreed with him. He felt sure that Irish tenants would be aggrieved, if a limitation which the Government itself thought was not in accordance with good husbandry in England and Scotland were to be enforced

in Ireland. He appealed to the Government not to allow this close time for hares to remain in the Bill; he could not see any reason in support of it, and certainly none had yet been given.

SIR WILLIAM HARCOURT said, the clause was inserted, because it was represented to him that it was in accordance with what was done last year. He was told then that this close time for hares in Ireland was universally desired; and a measure to that effect was passed, as hon. Members would recollect, only 12 months ago, with the universal support of all Irish Members of all Parties. He was told also, by the hon. Member for Waterford (Mr. R. Power), he (Sir William Harcourt) believed, that if the close time for hares was interfered with, that he would move, with the support of all the Irish Members, that Ireland should be altogether excluded from the operation of the measure, and he was naturally alarmed at that, especially when the hon. Member for the City of Cork added that he intended to support him. Naturally, at the eleventh hour, he did not wish to bring down on himself a great amount of opposition. He would be glad, however, to ascertain what was the actual feeling of hon. Gentlemen from Ireland about the Bill; and, therefore, he would suggest that the matter should be left over until Report.

MR. BRAND said, whenever he had moved an Amendment in Committee he had been told that it was utterly inconsistent with the principle of the Bill; and, consequently, he had never yet been able to get any support from hon. Members sitting on his own side of the House for any of his Amendments. He really did think, however, that the right hon. and learned Gentleman the Home Secretary would have accepted that opportunity of introducing a clause which was consistent with the Bill, or, rather, would have taken the opportunity not to press a clause which was utterly inconsistent with it. There was only one reason why the right hon. and learned Gentleman should press that alteration on the Committee, and that was that it was agreeable to hon. Members representing Irish constituencies. Now, however, hon. Members representing Irish constituencies did not desire this clause. Let them remember what was the intention, and what was the Preamble, of the

*Mr. Pugh*

Bill. It was to protect the crops of the tenant farmers—[*Cries of "Divide!"*—Surely hon. Members would like to know what the principle of the Bill was. His right hon. and learned Friend the Home Secretary said he wanted to protect the crops of the tenant farmers, and yet he proposed a close time for hares in Ireland, after having been exceedingly indignant with hon. Gentlemen who proposed a close time for hares in England and Scotland. If there was a division on this clause he (Mr. Brand) should certainly support its omission; and, in doing so, he should feel sure that he was only doing what was thoroughly consistent with the argument of the right hon. and learned Gentleman himself, who had declared that he would accept no Amendment which was inconsistent with the words of the Preamble.

MR. TOTTENHAM said, the hon. Member below the Gangway (Mr. Sexton) had declared that Irish Members were opposed to this clause. He (Mr. Tottenham) maintained that the Irish Members—and he had consulted a great many who knew something about the subject—were agreed that there was a great necessity for a close time.

LORD ELCHO hoped the Amendment would not be pressed to a division. As he understood the principle of the Bill, the clause was thoroughly in accordance with it. So far from wishing this clause taken out, he (Lord Elcho) heartily desired that it should remain; it was so delightfully consistent with the Preamble that the Bill should provide a close time for hares in Ireland.

MR. J. W. BAROLAY said, he opposed the Hares Preservation (Ireland) Bill when it was before the House last year, and he only withdrew his opposition on the earnest request of Irish Members who usually voted with him.

MR. SEXTON said, in reply to the remarks of the hon. Member for Leitrim (Mr. Tottenham), he (Mr. Sexton) did not expect to find an identity of opinion between that hon. Gentleman and other Irish Members on the Bill. He would take the suggestion which had been offered to him by the right hon. and learned Gentleman the Home Secretary, and consult with other Irish Members before raising the point again.

Question put, and *agreed to*.

On Question, "That the Clause be added to the Bill,"

MAJOR NOLAN said, he did not think there would be any objection in Ireland to the clause, because it would leave the landlord and tenant in the same position in that country. He thought it would be admitted that in Ireland tenants cared more for coursing hares than the landlords did.

Question put, and *agreed to*.

MR. DICK-PEDDIE moved, in page 2, after Clause 4, to insert the following Clause:—

(Protection of plantations on lands in Scotland.)

"The owner in fee of any land in Scotland to which any other person is entitled in life-rent shall, for the purpose of protecting the plantations thereon from injury, have the right, concurrently with such person and with any other person in the occupation of such land, to kill and take ground game within such plantations, and to enter upon such land for that purpose."

The hon. Member said, that while the Bill provided for the protection of the ordinary occupier of land—namely, the tenant, it made no provision for the protection of another class of occupiers in Scotland whose interests were frequently seriously affected by over-preservation in ground game, and who had, for all practical purposes, no power of protecting themselves—namely, those who had the right to the fee—that was the absolute right of property in land, where the enjoyment of the estate or annual income was left to another person in life-rent. The life-renter had the right to all the uses of the land, and, amongst these, the right to the ground game. But, subject to the life-renter's right to the cutting of natural wood, and to such parts of the timber as might be required from time to time to repair farm houses and farm buildings, and to make and repair fences, the trees and plantations belonged to the holder of the fee who, in order to replace wood cut down or blown down, had to plant from time to time. Where, however, the life-renter, or the tenant to whom he might have let the game, failed to keep it down, the young trees were sure to be destroyed by the depredations of the hares and rabbits. It often happened that whole plantations were ruined in a short time, and the expense and labour bestowed on them rendered abortive.

A case in point was lately brought under his notice in which the holder of the fee in an estate in a county in which one of the boroughs which he (Mr. Dick-Peddie) represented was situated had about 30,000 young trees destroyed that year by ground game. The fiar might claim damages; but that was of little use, as he required to make out excessive preservation, and that amidst all the difficulties which surrounded such questions. In short, he was in the same position as the agricultural tenant, exposed to have his young plantations, which were what might be called his crop, exposed to the ravages of hares and rabbits. But the injury was much more serious in his case than in ordinary cases. In ordinary cases, a great part of a year's crop might be destroyed; but the destruction of a young plantation might imply the destruction of several years' value; and on many estates the maintenance of a succession of growing timber formed a very important element of their value. Now, it appeared to him that the principle of the Bill required that the fiar's interest should have protection in the same way as that of the ordinary tenant, and that his right should be declared of destroying game, concurrently with others having that right. He had, therefore, to move the insertion of the clause of which he had given Notice.

New Clause (Protection of plantations on lands in Scotland,) — (*Mr. Dick-Peddie*),—*brought up*, and read a first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

SIR WILLIAM HARCOURT said, this was travelling out of the object of the Bill, which was to deal with crops, and he saw great difficulty in dealing with persons whom he should call the "remainder" men in England. He was afraid the concurrent right would lead to great social inconveniences between the parties, and he could not consent to introduce the clause.

Question put, and *negatived*.

SIR MICHAEL HICKS - BEACH moved the following new Clause:—

(Not to authorise the laying of poison.)

"Nothing herein contained shall extend, or be taken or construed to extend, to the making

*Mr. Dick-Peddie*

it lawful for any person with intent to destroy or injure any ground game or other game, to put, or cause to be put, any poison or poisonous ingredient, whether open or inclosed, where game usually resort, or in any highway, or for any person to use any firearms, or gun of any description, by night, for the purpose of killing any ground game."

The clause was down in the name of the hon. Member for East Sussex (Mr. Gregory), and, in the absence of the hon. Member, he (Sir Michael Hicks-Beach) formally moved it, to give the right hon. and learned Gentleman the opportunity of expressing an opinion upon it.

SIR WILLIAM HARCOURT observed, that the wording was taken from the Hares Act of 1848. He did not think it would do in that form, though he was as willing as anyone to introduce a prohibition against the laying of poison. But he would not commit himself to accept the clause in this form, and would consider how to meet the point before the Report of Amendments.

Clause, by leave, *withdrawn*.

MR. J. W. BARCLAY moved the following new Clause:—

(Compensation for damage caused by undue number of hares and rabbits.)

"Any owner or occupier of any lands may present a summary petition to the judge of the county court in England and to the sheriff in Scotland, complaining of damage sustained by him from hares or rabbits on any lands adjoining to or in the vicinity of the lands belonging to or occupied by him, and the county court judge or the sheriff shall thereupon appoint a copy of such petition to be served on the owner and occupier of the lands in regard to which such complaint is made, and shall within six days after the presentation of such petition appoint a competent person to inquire into such petition, and to report whether there is an undue number of hares or rabbits on such last-mentioned lands, and to value the damage, if any, caused thereby; and the county court judge or the sheriff, on receiving such report and valuation, shall, after hearing parties thereon by themselves or their agents *viva voce*, if they appear before him, or if after due notice they fail to appear before him, consider and dispose of such petition and report, and may find that the petitioner is entitled to such sum as the county court judge or sheriff thinks fit as compensation for damages sustained by him, and shall order such sum to be paid by the owner or the occupier of such last-mentioned lands, or by them jointly, or in such proportions as the county court judge or the sheriff may determine."

He had some confidence in moving the clause that he should have the support of the noble Lord the Member for Had-dingtonshire (Lord Elcho), for the latter

had introduced it into his Bill, and had alluded to the grievance as one which a Bill must remove. It was one of the recommendations of the Committee of 1872, and he hoped the right hon. and learned Gentleman would see his way to accept it.

LORD ELOHO explained, that it was true that such a provision found a place in the Bill he framed; but it was one of a series of compensation clauses, which all hung together.

SIR WILLIAM HARCOURT said, he had always presented the Bill as a non-compensation Bill. The system of compensation was not workable, and the Bill was founded on the principle of self-protection, not compensation; and into such a Bill he did not see that he could consent to introduce a piece of purely compensation machinery.

SIR MICHAEL HICKS - BEACH quite agreed that the clause could not be properly inserted in the Bill. He remembered, as a Member of the Committee of 1872, that the evidence given showed that the grievance most felt was the damage done to crops by the game from the land of a neighbour. In dealing further with the Game Laws, that was one of the questions that required attention.

MR. J. W. BARCLAY said, as a general rule the tenant would be able to protect himself; but there were cases where he could not; for instance, where his land was bordered by a railway embankment. However, he would not press his Motion.

Clause, by leave, *withdrawn*.

Preamble.

MR. GIBSON said, he was sorry to return to the point he mentioned before, the scheduling of the Acts of Parliament; but he found in the Summary Jurisdiction Act, 1879, was precisely the same drafting which he ventured to commend to the right hon. and learned Gentleman the Home Secretary—namely, the scheduling of those Acts or portions of Acts which were repeated as inconsistent with the Bill under discussion. He should draw attention to this on Report, and ask, if possible, that the drafting might be amended. There should not be the slightest difficulty in scheduling the different Acts.

SIR WILLIAM HARCOURT said, then he would propose to say the same

thing in a different form, and simply propose that no person should be liable for any penalty by Statute or Common Law for anything done in accordance with this Act.

LORD ELOHO asked, when it was proposed to take the Report of the Amendments, and when the third reading?

SIR WILLIAM HARCOURT said, he wished he could tell. It depended upon the progress of Supply, and that was rather an uncertain quantity. He understood the noble Marquess (the Marquess of Hartington) intended to go on with Supply on Monday and Tuesday. He could say nothing further.

SIR MICHAEL HICKS-BEACH hoped that on Monday they would have some further information.

SIR WILLIAM HARCOURT said, money was wanted, and Supply must be proceeded with. At the earliest opportunity the next stage of the Bill would be taken.

LORD ELOHO said, he had omitted to call attention to one point. There were certain rights—manorial rights of shooting—which overrid the rights of proprietors and occupiers. How would they be dealt with by the Act?

MR. ONSLOW said, supposing that the Irish Estimates, upon which there was likely to be some discussion, went over Monday and Tuesday, would they be followed by other classes of Estimates, or would the Report of that Bill intervene?

SIR WILLIAM HARCOURT said, that in the absence of his noble Friend (the Marquess of Hartington) he could give no more definite answer.

EARL PERCY asked would the Bill be reprinted as amended?

SIR WILLIAM HARCOURT said, it would.

MR. MONTAGUE GUEST observed, that the game rating fell equally upon the owner and occupier. That was not provided for in the Bill, and he wished to have the point cleared up.

SIR WILLIAM HARCOURT said, the point was very clear, and the Bill would not affect it. At present, the man who was responsible for the game rate was the occupier, because in the eye of the law he was the proper owner of the whole of the game. Then he had the right to deduct from the owner that for which he was liable. Of course, the portion he enjoyed he would not be allowed

to deduct—that was the half for the ground game.

LORD ELOHO said, that as to the question of half, how was that portion to be decided? He thought it ought to be made clear.

Preamble read, and *agreed to*.

Title.

SIR WILLIAM HARCOURT moved that the title "Ground Game Bill" be substituted for "Hares and Rabbits Bill."

Motion *agreed to*; title *substituted* accordingly.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Tuesday* next, and to be printed. [Bill 314.]

#### IRISH (RELIEF OF DISTRESS) LOANS AMENDMENT BILL.

On Motion of Lord FREDERICK CAVENDISH, Bill to explain and amend sections seven and thirteen of "The Relief of Distress (Ireland) Amendment Act, 1880," *ordered* to be brought in by Lord FREDERICK CAVENDISH and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 317.]

#### THAMES STEAM NAVIGATION REGULATION BILL.

On Motion of Mr. CHARLES M'LAREN, Bill to regulate the Navigation by Steam Vessels of certain portions of the River Thames, *ordered* to be brought in by Mr. CHARLES M'LAREN, Mr. OTWAY, Mr. JAMES, and Mr. BRODRICK.

Bill *presented*, and read the first time. [Bill 316.]

House adjourned at Two o'clock till Monday next.

### HOUSE OF COMMONS,

*Monday, 23rd August, 1880.*

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES, Class I.—PUBLIC WORKS AND BUILDINGS, Votes 19, 19a; Class III.—LAW AND JUSTICE, Votes 24 to 27, 29 to 31.

PUBLIC BILLS—*Second Reading*—Irish (Relief of Distress) Loans Amendment [317].

*Third Reading*—Elementary Education Provisional Order Confirmation (London)\* [281], and *passed*.

*Sir William Harcourt*

### QUESTIONS.

#### EDUCATION (IRELAND)—MODEL SCHOOLS.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Protestants have been appointed to the Head Mastership of the Model Schools at Parsonstown and Enniscorthy in place of Roman Catholics as heretofore; whether there is not a rule of the Commissioners that in such institutions the newly appointed teacher ought to be of the same religious denomination as the predecessor; and, whether, if the change referred to be not a concession of the failure of the Model Schools as "mixed" schools, he will have any objection to state on what grounds the Commissioners have decided to depart from their former rule?

MR. W. E. FORSTER: Sir, it is true that Protestants have been appointed to the Head Mastership of the Model Schools of Parsonstown and Enniscorthy, and the reason was this—The board found that out of 192 children on the rolls at Parsonstown school last year only 19 were Catholics; and that out of 159 at Enniscorthy only 13 were Catholics. It was therefore thought better that the masters should be of the same religious persuasion as the children.

#### INDIAN COOLIES AT LA REUNION.

MR. A. M'ARTHUR asked the Under Secretary of State for Foreign Affairs, If he has noticed a letter in the "Times" of the 17th instant, describing the manner in which Indian coolies are treated in the island of Reunion; if it be true that notwithstanding the coolies arrive as free emigrants, they are sold by auction as slaves, and most unjustly and cruelly treated by the planters; and, if these statements are correct, whether Her Majesty's Government will endeavour to remedy the evil complained of, and prevent a continuance of such a state of things?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have no information as to the sale of Indian coolies arriving in Réunion. Their attention has, however, been called to the unsatisfactory condition of the coolies in that

island; and in reply to an urgent representation addressed to them in October last, the French Government have just consented to the meeting at Paris of a mixed Commission of Inquiry, which, it is hoped, will assemble without delay.

#### COURT OF RAILWAY COMMISSIONERS —LEGISLATION.

MR. MONK asked the President of the Board of Trade, Whether, considering the weighty memorials which have been addressed to that Department from various parts of the Kingdom, and the numerous Petitions that have been presented to Parliament during the last few years in favour of extended powers being granted to the Railway Commissioners, it is his intention to introduce a measure having that object in view early in next Session; and, whether he will provide that the commercial community and the public shall not be left till "The Continuance Act, 1879," expires on the 31st of December 1882, without redress in cases where Railway Companies, having a monopoly of the traffic, charge rates for the carriage of goods greatly in excess of those charged for the same class of goods under similar conditions from other places?

MR. CHAMBERLAIN, in reply, said, his hon. Friend would understand that no positive arrangements could possibly be made at this period respecting the Government legislation of next Session; but he could assure him that during the Recess he would give the most careful consideration to the question how far the powers of the Railway Commissioners should be continued and extended, and especially to the point raised by the Question of the hon. Member.

#### CORRUPT PRACTICES AT ELECTIONS— PROSECUTIONS.

MR. ONSLOW asked Mr. Attorney General, Whether it is his intention to prosecute the various persons especially reported by the Election Judges as having been guilty of corrupt practices at the General Election?

THE ATTORNEY GENERAL (Sir HENRY JAMES), in reply, said, he regretted that he had to deal with the subject within the necessarily narrow

limits of an answer to a Question. Speaking of present intentions only, his answer would be substantially a negative one. In the graver cases of corrupt practices which occurred in those constituencies in relation to which it was reported by the Judges that corrupt practices had extensively prevailed, it appeared to him that it would be not only contrary to the spirit of the Act of 1863, but also most inexpedient, as well as likely to defeat the coming inquiries by the Commission, if prosecutions were now to take place, and so seal the mouths of the persons prosecuted. With regard to those cases where corrupt practices had not been reported to extensively prevail, it had been his duty to read the very voluminous evidence, extending to many thousands of pages. He had nearly completed the task, and, with the exception of those persons who had received certificates of indemnity from the Judges, he did not find that the cases were of such a character as would justify a prosecution on the part of the Government. There were, however, some two or three cases of a doubtful nature, which would be laid before the Public Prosecutor, and, if he so advised, prosecutions would take place. The cases in those constituencies where corrupt practices have been reported to extensively prevail would have to be considered after the Commission had concluded their inquiries.

#### TURKEY—REPORTED FLIGHT OF A FEMALE FROM THE SULTAN'S HAREM AT CONSTANTINOPLE.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If he is yet able to contradict or confirm the statement of the "Standard" that—

"the lady of the Sultan's harem who recently sought refuge in the British Embassy, and was subsequently given up, has been strangled as an accomplice in a Palace conspiracy;"

and, if confirmed, whether he can say what steps Her Majesty's Government propose to take in the matter?

SIR CHARLES W. DILKE: Sir, Her Majesty's Ambassador at Constantinople telegraphs that there is no truth in the report, and that an English lady has called at the house where the lady is residing and has ascertained that she is perfectly happy and about to be married.



# RELIEF OF DISTRESS (IRELAND) ACT— LOANS TO LANDLORDS.

THE O'DONOGHUE asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can give the House any security that the loans obtained by landlords under the Relief of Distress (Ireland) Act shall not be appropriated by them in lieu of rent; whether, upon being furnished with evidence that this has been done, he will take steps to have the money applied as intended by Parliament; and in any case where the public money shall be shown to have been thus misused, and the loan sought by the landlord has not been fully completed, whether he will see that no further advance be made?

MR. W. E. FORSTER: Sir, in answer to the Question of the hon. Member, I may say I before stated that I disapproved of such a mode of payment; but we have no power to interfere. When in Dublin, I had my attention called to Section 29 of the 10 *Vict.*, c. 32, which is as follows:—

“Be it enacted that all labourers hired or employed to execute any work or improvements effected under the authority of this Act shall receive the full value or consideration as will be agreed to be given for their labour respectively, in current coin of the realm, and not otherwise.”

I believe that section of the Act was directed against practices like those referred to by the hon. Gentleman. I have consulted the Law Officers as to its applicability to the present case. If they advise that it is applicable, I would suggest to the Secretary to the Treasury, under whom the Board of Works is placed, to direct the Board to issue a circular to landlords informing them of the fact. I repeat my opinion that I do not believe the practice is at all prevalent.

# EMPLOYERS' LIABILITY BILL—THE INSURANCE CLAUSE.

MR. T. C. THOMPSON asked Mr. Attorney General, Whether, if the Employers' Liability Bill passes into law in its present shape, coalowners may lawfully effect insurances against injuries arising from their negligence, or from the negligence of their agents, to their workmen, or if the workmen must not, by law, be the parties to effect such insurances?

THE ATTORNEY GENERAL (SIR HENRY JAMES), in reply, said, it would be perfectly legal for employers of labour to insure themselves against their liability for injuries in consequence of the negligence of the superintendents, or the agents whom they employed. That was a form of insurance which frequently occurred in regard to marine insurances, where shipowners insured themselves against the negligence of their captains, officers, or crews. In the same way coalowners, or other employers of labour, might insure against the negligence of their agents. The form of insurance would not be on the life of the workman, because the employer would have no interest in that life; but the employer could insure himself against risk of liability.

# THE IRISH LAND COMMISSION.

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware of the fact that the National Land League of Ireland, which claims to be the representative and mouthpiece of the Irish tenant farmers, has expressed its intention not to offer evidence, or countenance the offering of evidence, to the Royal Land Commission as at present constituted; and, whether, under the circumstances, he will consider the expediency of altering the constitution of the Commission so as to make it more acceptable to the tenant farmers of Ireland?

MR. W. E. FORSTER: Sir, I have seen a newspaper report to the effect stated in the hon. Member's Question; but I have no actual information on the subject. The farmers' associations and clubs in several counties have informed the Commissioners that they are preparing evidence, and I am also informed that a large amount of evidence is being volunteered, not only by the tenant class, but from all parties. It is not the intention of the Government to advise an alteration of the constitution of the Commission. With regard to the statement that the Land League has refused to give evidence before the Commission, I regret that that should be the case; but I cannot be blind to the fact that the resolution passed at Cork not to tender such evidence was not unanimous, and I also observe that there was a resolution, also not unanimous, for expunging from

the Minute Book of the Committee the resolution passed in the previous week, which affirmed that they disapproved of robberies of arms in Cork harbour. I hardly think I should be justified in looking on a committee which passed such a resolution as being necessarily the representative or mouthpiece of the Irish tenant farmers.

STATE OF IRELAND—SECURITY FOR LIFE AND PROPERTY—LEGISLATION.

**LORD RANDOLPH CHURCHILL** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the intention of Her Majesty's Government, before the prorogation of Parliament, to ask that additional and exceptional powers should be conferred on the Irish Executive for the preservation of peace and for the better security of life and property in Ireland; or whether, in view of the state of that country, as disclosed in the official statements made in the House from time to time by the Chief Secretary to the Lord Lieutenant, the Government propose to rely during the coming autumn and winter on the protection afforded by the ordinary Law?

**MR. A. M. SULLIVAN** wished, before the Chief Secretary answered the Question of the noble Lord, to put to the right hon. Gentleman another Question—namely, Whether, considering the fact that when Her Majesty's Government did ask Parliament to give them additional powers for the preservation of the peace and the better protection of life and property in Ireland, the noble Lord the Member for Woodstock and other influential Members of the House strenuously opposed the proposed measure, which subsequently was obstructed and defeated in "another place," the Government had any reason to suppose that the noble Lord and his Friends had since Friday last changed their opinion that it was undesirable that important measures should be brought under the consideration of the House at a period of the Session when it was impossible that they should receive adequate discussion?

**MR. W. E. FORSTER:** Sir, as regards the Question which my hon. and learned Friend the Member for Meath asked me, I think it mainly relates to events on which other Members of the

House are as capable of forming an opinion as I am. He also asks me what I think have been the views of the noble Lord the Member for Woodstock since last Friday; but that is a matter on which I am really unable to give an opinion. The noble Lord asks me two Questions—first, whether Her Majesty's Government proposes to submit to Parliament before its prorogation any Bill for the preservation of peace and the better security of life and property in Ireland. In reply, I have to state that we do not think it necessary to do so. The noble Lord further asks me whether we propose to rely, during the coming autumn and winter, on the protection afforded by the ordinary law. My reply must be that we cannot pledge ourselves beforehand. There is certainly much cause for anxiety in the condition of parts of Ireland, not as regards any fear of any rising—I have absolutely no fear of that—but as regards outrages on individuals. We do not, however, consider that this condition is at present such as would warrant our asking Parliament for special powers; but if we find—as we do not believe we shall find—that in the course of the autumn or winter we cannot rely on the existing law, we shall not, in that case, hesitate to call Parliament together for the purpose of giving us such additional powers as may be needed to fulfil our first duty, the protection of life and property. I must add that we do not expect that this necessity will be imposed upon us.

**MR. T. P. O'CONNOR** asked the Secretary of State for India, Whether, with reference to the refusal of the House of Lords to pass a Bill demanded by Her Majesty's Advisers as a help to carry out the Law and preserve the peace, and to the effect produced in Ireland by that refusal, he would help to elicit an expression of opinion on such action by facilitating the discussion of a Motion on the Order Book in reference to hereditary and irresponsible legislators? The hon. Gentleman added that, as showing the interest taken in this question, no fewer than 14 Petitions had been presented in favour of his Motion.

**THE MARQUESS OF HARTINGTON:** Sir, all I can say, speaking for myself—and, so far as I am aware, for Her Majesty's Government also—is that we

think there would not be any advantage, especially with reference to the present state of Ireland, in a discussion on the Motion which stands on the Paper in the hon. Member's name; and, therefore, I cannot undertake to give him any facilities for that discussion. I believe, however, that it will be in the power of the hon. Member, if he wishes, to find an opportunity for bringing forward that Motion.

#### STATE OF IRELAND—THE RIOTS AT DUNGANNON.

MR. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to the fatal use of the new buckshot supplied to the Irish police in the riots at Dungannon on Monday last; whether the following list of killed and wounded may be taken as correct:—Wm. O'Rourke, shot dead; John Doey, three wounds in the breast, dangerous; Daniel Dewlin, a wound in the leg; Thomas Kelly, a wound in the arm; Owen Little, a wound in the arm; Thomas Macauley, wounds in the leg and hand; Edward Tauney, three wounds in the neck, serious; two brothers named Lennan are both dangerously wounded. One has six wounds, the other is shot through the lungs and is not expected to recover; James Keogh, two wounds; Patrick Grattens and Joseph Cush Bulgrew, wounded dangerously; M'Coery, wounded slightly; M'Grath, hurt dangerously; and, whether, in view of the serious results obtained by the employment of the new ammunition served out to the Constabulary, orders would be given to withdraw buckshot and revert to bullets?

MR. W. E. FORSTER: Sir, I cannot pledge myself to the exact correctness of the list given by the hon. Member, though I believe it to be mainly accurate. Certainly, it is correct that only one man was killed. The hon. Member asks me whether orders will be given to withdraw buckshot and revert to bullets. No such orders will be given. If the police are reduced to the lamentable necessity of being obliged to fire at all—and in this case, after careful inquiry, I am convinced that they could not avoid doing so—I am sure that buckshot is more humane; although it may wound more, it is less likely to kill, and, what

is of the greatest importance, the probability of shooting an innocent person is greatly diminished. We have reason to believe that all the men who were wounded were engaged in the riot; and the man who, I am sorry to say, was killed, was shot while in the act of throwing a stone. At Lurgan last year the police were obliged to fire, and they fired with bullets according to the rule then existing, and a child which was some way off, within rifle-range, was killed. It was in consequence of that distressing occurrence that a new form of ammunition was determined upon.

MR. PARNELL asked the right hon. Gentleman if he knew how far off the child was when the shot was fired?

MR. W. E. FORSTER: I am informed that it was some distance off; and there is scarcely a probability that if the police had fired buckshot the child would have been killed.

MR. MITCHELL HENRY asked the right hon. Gentleman how many buckshots were contained in each cartridge, and how many times the likelihood was increased of striking persons, and what guarantee had they that the rifle of a policeman fired in close quarters would not touch a vital part?

MR. W. E. FORSTER: I am sorry to say that we have no guarantee. It is a deplorable thing that the police should have to fire; but I think that any hon. Gentleman who knows what took place at Dungannon will see that it was absolutely necessary that they should fire. I believe that they showed wonderful forbearance in the way in which they postponed firing. I believe also that if the police had done nothing Dungannon would practically have been sacked. But when they do fire, firearms cannot be used without great danger. I cannot say exactly the number of shots with which a rifle can be charged, but undoubtedly there is a possibility of wounding many more with buckshot than with bullets; but there is not the same probability of killing; and, as I stated before, there is much less probability of killing those against whom the fire is not directed. I am fully convinced that it is more humane that buckshot should be used, and that the fact that the police know there are more shots will be taken into account in the number of rifles that are discharged.

Mr. MITCHELL HENRY desired to know who had authoritatively considered this subject. Had it been looked into by military and medical men—by experts—who really desired to carry out the humane principle of the right hon. Gentleman? He asked seriously whether a great mistake had not been made in the use of cartridges loaded with buckshot. Reference had been made to the conduct of the police; but he thought that the conduct of the police on the occasion referred to was not in question now in this matter. ["Order!"] He should conclude with a Motion. He admitted that it was barbarous beyond conception to expose either military or police to the weapons of a howling mob as on many occasions they had been so exposed; but he still very much questioned whether it was right to have permitted this change to be made, which he thought had been suggested by the Constabulary without any reason whatever. Speaking as a medical man, he could say that buckshot was a very dangerous material. If the Government wished to injure very lightly, why did they not use snipe shot or sand? [*A laugh.*] Hon. Gentlemen might laugh, but they would disable for the moment quite as well. He had earnestly hoped that the right hon. Gentleman would have interfered to prevent the future use of buckshot. He had not the smallest sympathy with those who fomented disorder in Ireland, nor had he ever joined in the demand made by those who objected to the weapons with which, unfortunately, the police in Ireland must be armed; but he protested against the course which had been pursued on this occasion, and he moved that the House do now adjourn.

Mr. BIGGAR seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Mitchell Henry.*)

Mr. FINIGAN said he should not have asked such an important Question unless justified with the knowledge that disturbance might arise in other parts of Ireland which were not afflicted with the curse thrown upon the North of Ireland by successive Governments in the past—the encouragements given to Orangemen and Orange processions, thereby encouraging these religious feuds.

The police in Ireland were not what was understood in this country as police; they were military, and yet they did not, like English troops, fire a first volley over the heads of a mob, they fired at once at the breasts of the people. This was a serious matter. If the right hon. Gentleman had made inquiry he would have found that buckshot was quite as fatal, and in some cases even more so, than the ordinary cartridge bullet. He must remember that each gun would carry at least 12 buckshot, whilst the ordinary cartridge rifle would only contain one. The bullet could only kill one person; but the probability was that each charge of buckshot would kill four persons. He thought, before they came to any conclusion on the relative merits of the cartridge bullet or buckshot, they ought to have the official opinion of the Secretary of State for War. In regard to this particular occurrence he maintained that it was the duty of the Government not to show any special favour to Orangeism, but to maintain peace and order. The whole of this unfortunate occurrence could have been avoided if the Government had used the police as they were used in England, and not as a military force as they were always used in Ireland.

SIR PATRICK O'BRIEN said that religious processions in the North of Ireland had led to a great deal of mischief. He had on previous occasions ventured to express his opinion as he now expressed it, that it was the duty of the Government to stop these processions, no matter whether Roman Catholic or Protestant, in the interests of peace and justice. It was lamentable that any assault on the Constabulary should have taken place, and that lives should have been lost on such a frivolous quarrel. The Government had now to consider how they were to keep order, and it was premature to discuss this question of bullets or buckshot, since there were very few who were competent to give an opinion. He was not, however, sorry that it had been raised, for it had elicited from the Government the expression of an opinion that they had no desire to slaughter the people, but only to preserve order with the least loss of life.

Mr. CHILDERS said, the hon. Member for Ennis had appealed to him, as Secretary of State for War, to give to the House his opinion whether, for the

purpose of dispersing a mob, buckshot or rifle-balls were more expedient. Of course, in the Army, the object was to meet thoroughly armed men with weapons which would strike the greatest possible terror among them, and for such purposes the best weapons of precision throwing bullets were most efficient; but if it was a question of dispersing a street mob, and the hon. Member asked him whether he should sooner use buckshot or bullets, he should say that buckshot was far more humane and far more effective than a bullet.

MR. O'DONNELL said he had received a good many representations from Ireland on this subject, some of them from men of great experience, and, from all he had been able to learn, he thought this substitution of buckshot for bullets was a distinctly unfortunate step. Buckshot was likely to inflict horrible wounds. The object of humanity had certainly not been gained by the change. If there was, however, a general belief among the Constabulary that buckshot was the more safe of the two, that would stimulate them and hot-headed magistrates to resort to the use of firearms oftener than they did under the former *régime* of bullets. The proper course was to reduce the Irish Constabulary to the condition of ordinary police. If 12,000 additional soldiers were wanted for the preservation of the peace in Ireland, let them be soldiers—if a military force was to be used for the suppression of disorder, let it be a military force, and the mob would then know that if they continued their opposition to authority they were doing so at the risk of their lives. Reading the Riot Act in the midst of tumult and deafening uproar was too often a useless formality; but an effectual warning would be given if it were seen that a regular military force, in the red uniform of the combatant service, appeared upon the scene of the disturbance. But to employ a mongrel force, which at any moment might exchange the use of the musket butt for the buckshot charge, was a thing which, in common humanity, ought not to be done where riots had to be suppressed. He thought, however, the question would be better discussed in Committee than on that occasion; but he could not let the occasion pass without entering his protest on the side of humanity and fairness.

*Mr. Childers*

MR. W. E. FORSTER: I hope that no discussion on this subject will be necessary in Committee. With regard to what the hon. Member for Dungarvan (Mr. O'Donnell) has said, I do not myself believe that fewer lives would have been lost if the mob had been fired on by the military instead of by the Constabulary Force. I think the particulars of the sorrowful occurrence show wonderful forbearance on the part of the police, and such as I am not quite sure could readily have been expected from the military under the same circumstances. Not merely had showers of stones assailed the constables, but firearms had been used as well. As to the character of actual weapons used, I cannot express how horrible it is to me to talk about what weapons have been used against my fellow-countrymen; but I must distinctly state that, to the best of my belief, the change was made to diminish the chance of killing innocent people. Of course, the first instinct in the Constabulary, as Irishmen, would be, if they were compelled to fire, to fire over the heads of the rioters. But the result of that is, or, at any rate, there is a great probability, that some innocent person will be killed, as has happened before; and, if the Martini-Henry is used, the bullet may pass through three or four persons. I believe that the probability of killing with buckshot is much less, and that the use of buckshot very much diminishes the probability of doing what we are bound to guard against with the utmost care—the killing of those who are innocent. I hope that this discussion will be carefully read and considered by those who are more especially responsible. The change has not been made without very great consideration. It was made from motives of humanity. The Chief Inspector is himself an expert of much experience. He is a colonel of the Army, who has gained distinction in the Army, and who, consequently, very well knows what he is dealing with. I will read one or two short extracts from the Report of the Sub-Inspector who was in command at the time when the resident magistrate gave the order to fire; and I must say that the resident magistrate did all he could to prevent the necessity for that order being given. At very great risk of his life he went many yards in front of his men, and, amidst a shower of stones which made people

wonder how he escaped, he read the Riot Act, and in very loud tones begged the people not to reduce him to the necessity of firing. The Sub-Inspector states in his Report that out of 34 rounds that were fired nine were with ball ammunition—that is, with bullets. He adds—

“I am convinced that had the other 25 rounds fired been with ball ammunition the number of lives lost would have been much larger. Having to fire in the streets, I am quite positive that innocent persons would have been injured.”

I have a similar letter from the resident magistrate at Belfast, which I received this morning. He says he is happy to believe that the rioting is now over, and expresses his belief that the change from bullets to buckshot is a very valuable one, because he says—

“We will now make sure that the most guilty will be those who will be reached, whereas bullets frequently pass these and kill innocent people—women and children—hundreds of yards beyond.”

That is really the ground on which the change has been made. I hardly need to say that I will have the matter most carefully looked into, and if experts advise me that those who are mainly responsible are wrong in their opinion I will take care that the order is changed. My individual impression is that it is in the interests of humanity and justice—I mean justice in not killing innocent people—that the order has been made. I can only make one further remark. This has been a very sad occurrence. In March and in July we got through these processions without any serious occurrence. We have had it this last time. It is not a case for throwing the blame on either party. So far as I can make out, the special blame that night rested with the processionists. [Mr. BIGGAR: No, no!] The hon. Gentleman will allow me to finish. But they were very much provoked by what happened two or three days before, when the other party behaved in a most reprehensible manner. I observe in some quarters there is an impression that this is a sort of Irish way of conducting matters in the North of Ireland, and that it is not a subject for serious consideration. It is not a matter which affects the general peace of the country. They make a great stir at the time; but two or three days after we hear little more about them. Still, they are a dis-

grace to the country—a disgrace to the Province of Ulster, and it is my belief that if the respectable men of Ulster were to set their faces against these things on either side they might easily be prevented; and if I happen to hold my present Office next year, when it is probable that these processions will recur, it is my present intention to appeal to the magistrates in the towns where those processions happen, whether they cannot make use of the legal power which belongs to them to declare that such processions are likely to break the peace, and bring about those deplorable occurrences, and, therefore, could not be permitted. If the magistrates responded to my appeal, the Government will support them in making such declarations effective.

MR. PARNELL said that he had not intended to take part in that discussion on the Motion for the adjournment of the House. The hon. Member for King's County (Sir Patrick O'Brien) had said that the Government had the best intentions, and the Chief Secretary for Ireland had told the House that the change had been made from motives of humanity. But what they had to look to was not so much the motives of the Chief Secretary as the result of this unfortunate change. Party riots in the North of Ireland were, unhappily, of frequent occurrence; but it was not until this change from ball cartridge to buckshot that the slaughter took place of a number of unarmed people forming the crowd. He found from the list supplied to him that 20 or 30 people were killed or wounded. [Mr. W. E. FORSTER: Only one man was killed.] He said killed or wounded. Although only one had been killed, several others who had been hit by the newly-invented and patented ammunition of the Chief Secretary were expected to die at any moment. The Chief Secretary told them that it was humane ammunition; but he was of opinion that if dangerous ammunition were wanted for close quarter shooting—say from a distance of 100 yards—it was buckshot that would be chosen. Buckshot cartridges did not scatter until after a distance of 40 or 50 yards, and made wounds of a most horrid description, such as resulted from explosive bullets. Perhaps they would have explosive bullets next year. The Chief Secretary said he did not want non-combatants to be killed; but, in his

ances, the cowardly Orange mob who assailed the Catholic processionists at Dungannon might easily have been routed. He (Mr. Callan) had for years past never missed an opportunity of discussing with members of the police force the manner in which these riots could be put down. In his conversations with them he had arrived at the conclusion that sometimes in these disturbances the resident magistrate was at fault, and sometimes an anti-Irish, anti-Catholic Sub-Inspector. He trusted that there would be no opposition to printing and circulating the official Report of the authorities who had held an inquiry into the melancholy affray at Dungannon.

MR. T. D. SULLIVAN said, he certainly was in favour of a division in the functions and character of the military and the police in Ireland, and he thought the combination of the two caused many troubles in that country. The policemen were introduced into public meetings in Ireland, in their guise of policemen, and at the turn of a hand, or the uttering of a word, they became soldiers for the shooting down of the people. Now, let them have honesty in the matter. They had been told that it was right to call a spade a spade; let them carry out the principle in this case. Let policemen be policemen, and let soldiers be soldiers. If the present order of things were to continue, and the armaments of the police to be extended still further, where should they draw the line? Should they have artillery using grapeshot upon the people? He did not see why they should not if the present state of things was to go on. The police were simply soldiers in disguise. They combined two functions which clearly were distinct and separate; but what did the whole discussion prove beyond the relative merits of buckshot and bullets? He contended that what it proved was the failure of the attempt of the English Government to properly and justly rule the Irish people. The troubles in Ireland would have disappeared long since under native rule. The party processions in the North of Ireland, which were a scandal to the country, were the fruit of the present system of government. He knew it was the fact that the presence of the police at meetings was often the cause of disturbances. Let them have police, by all means, but let them be police worthy of

the name; and if they were to be shot down in Ireland, either by buckshot or bullets, let it be by the military forces from England.

MR. MITCHELL HENRY said, that in withdrawing his Notice he wished to express his regret at the wide range the discussion had taken. He had spoken entirely upon the question of the different kinds of shot; but the right hon. Gentleman the Chief Secretary was evidently totally at sea upon the question. Everybody would admit that if a crowd were to be dealt with at close quarters, and only slight injuries to be inflicted, they must, if they used firearms, reduce the charge of powder; but the military never thought of that. What they did was to cut a bullet into a great number of pieces, so as to make it twice as dangerous and destructive as it was before. In his opinion, the right hon. Gentleman ought to issue instructions to have two kinds of cartridge served to the police, one with a very small charge of powder and snipe-shot, and the other of bullets, so that the horrible wounds might not be inflicted which were the result of buckshot or of the use of a bullet cut up into pieces. He hoped that the right hon. Gentleman would look a little further into the matter than he had yet done.

MR. BIGGAR wished to say, before the Motion was withdrawn, that it seemed to him that the question raised by the Motion was of a far more serious character than it had seemed at first. It appeared that the buckshot used was frightfully dangerous, for instead of being round shot that would make a clean hole, they were likely to tear the party injured in the most frightful manner. It seemed to him to be a thoroughly brutal mode of attacking a large crowd of people; but during the discussion of the Motion several questions were raised, not exactly on the same lines as the hon. Member for Galway (Mr. Mitchell Henry). For example, there was the question of the desirability of processions or otherwise, and also there was a question on the merits of that unfortunate procession at Dungannon. Now, with regard to processions generally, he must say that he was personally in favour of them. They were a mode of expressing the opinions of the people in large masses, and he thought it was quite justifiable that both Protestants

**LORD FREDERICK CAVENDISH:** Sir, railway passenger duty is not levied on tramways under the circumstances alluded to by my hon. Friend, because the Board of Inland Revenue are advised that, not only on the particular ground stated by him, but as a general question of law, Tramway Companies are not liable to the duty.

#### ARMY—FLOGGING LEGISLATION.

**SIR H. DRUMMOND WOLFF** asked the Secretary of State for War, If the authorities of the War Office have as yet discovered a punishment to be substituted for flogging?

**MR. CHILDERS:** I stated a few weeks ago, in reply to the hon. Member for Newcastle (Mr. J. Cowen), and later in reply to the hon. and learned Member for Chatham (Mr. Gorst), that I proposed early next Session to introduce a measure, consistent with our former pledges, as to the abolition of flogging and the substitution of some other punishment. I have no intention of anticipating the statement I shall then make.

#### DISTRESS (IRELAND)—RELIEF WORKS.

**MR. O'CONNOR POWER** asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that the Board of Works has not yet signified to the Standing Committee approval of the works passed at the last Tyrawley extraordinary sessions; and, if so, whether he will take steps to have these works approved of without further delay?

**MR. W. E. FORSTER:** The delay had arisen this way: The works passed at the last Sessions varied in many important respects from those included in previous presentments; and it was, consequently, found necessary to institute further inquiry concerning them. Mr. Brand made this inquiry, and sent his Report for the consideration of the Irish Government. No decision has been come to as yet. I understand it is the opinion of the officials that, unless in exceptional cases, it is not desirable to begin new works before the harvest is over. That would imply that these works should be submitted before the harvest is over. I think it unwise that they should compete with harvest work. There are 73 relief works in this barony, involving an ex-

penditure of £3,500, and employing from 1,500 to 1,700 men per day.

**MR. O'CONNOR POWER** said, he could assure the right hon. Gentleman that if these works were not immediately sanctioned they could not be proceeded with at all. In fact, they were to be finished on the 15th of September, and it seemed to him to be the intention of the Board of Works to withhold their sanction until too late. Would the right hon. Gentleman say whether, when the harvest was reaped, it would be competent to make due presentments for the work?

**MR. W. E. FORSTER:** Sir, I believe the Baronial Sessions will have powers to authorize the undertaking of further relief works during the remainder of the year.

#### THE TOWER OF LONDON—ADMISSION OF VISITORS.

**MR. RITCHIE** asked the Secretary of State for War, Whether arrangements are yet completed for affording additional facilities for enabling the public to obtain admission to the Tower of London; and, if so, whether he will state what those facilities are, and when they are likely to be in operation?

**MR. BRYCE** also asked the Secretary of State for War, Whether, in the new regulations (which he stated it to be his intention to have prepared) for the admission of visitors to the Tower of London, he will cause provision to be made for increasing the number of days in the week on which visitors are admitted free of charge, for abolishing the present system of conducting them round in parties, and for permitting them to enter certain parts of the building which have been hitherto kept closed; and, whether he will direct a Copy of the promised new regulations to be laid upon the Table of the House as soon as may be after they have been finally approved?

**MR. CHILDERS:** Sir, with the leave of the House I will answer together the Questions of the two hon. Members for the Tower Hamlets. Very soon after I became Secretary of State, my attention was called to the numerous complaints made as to the arrangements for the admission of visitors to the Tower, and I at once instituted inquiries on the subject. I have visited the Tower myself as one of the public,



opinion, these buckshot cartridges were just such ammunition as might be expected to kill non-combatants. Had they not read in the newspapers that all the windows in the square were broken? If it had not been for the prudence of the inhabitants in keeping out of the way, many more innocent lives would have been sacrificed. The police, before firing at the people, always fired over their heads; and as they were told that 34 rounds were fired by the police on this occasion at a distance of 20 or 30 yards, it was reasonable to suppose that many shots were fired over the heads of the crowd, and thus the innocent people would be those most likely to suffer, as it was the characteristic of this ammunition to spread. The Chief Secretary had said that these party processions were a disgrace to the Province of Ulster and to Ireland. He joined with everybody in wishing that these processions might be abolished, for they kept classes of his countrymen disunited when union among them would be likely to make it more difficult for the Government to serve out buckshot. But the antecedent disgrace in connection with these demonstrations rested not upon the people of Ireland, but on past English Governments, who deliberately divided the Irish people in order to be better able to rule them. He submitted that when the Chief Secretary for Ireland, who ought to know the history of the country, said, without any qualifying words, that these party processions were a disgrace to Ireland, he stated that which no student of Irish history would with his eyes open say was truthful.

Mr. O'SHAUGHNESSY maintained that it was evident from the reports of the chief actors in the scene that Sub-Inspector Webb, who had charge of the police when they fired on the crowd, lost his head, and acted improperly. He did not know that his men had loaded their rifles with buckshot; and, instead of behaving quietly and calmly, he cried out, "My God, are we to be left here to be murdered?" which in itself was enough to stimulate his men to acts of violence. It appeared that 35 police discharged their rifles. Was that necessary, or humane, when all that could possibly be necessary was that one single man should be wounded, so that the crowd might be terrified and induced to leave?

*Mr. Parnell*

Mr. W. E. FORSTER wished to remind the hon. and learned Member that after the first firing the number of the crowd did not diminish.

Mr. O'SHAUGHNESSY said, that, at any rate, the circumstances under which the firing took place reflected badly on the coolness of the men in charge. He concurred with the opinions which the right hon. Gentleman had expressed with regard to these party processions; but it was not by appealing to the magistrates of the North of Ireland, who were Protestants and Orangemen, that he could put them down. The Catholic clergy had done their best to prevent their flocks following the example of the Orangemen; but at the very time they were exerting themselves for that purpose, Protestant clergymen were holding special services for the Orange processionists in Derry. Let the Protestant Irish gentlemen who had a regard for the peace of the country ask these Protestant clergymen for once in their lives to follow the example of the Roman Catholic priests, and there would be some hope of seeing an end put to these mischievous party displays. He thought it would be merciful to the processionists to employ the military against them instead of the police, for unruly mobs seldom failed to abate some of their zeal at the sight of a sufficient number of redcoats drawn up against them.

Mr. CALLAN said, he was of opinion that the Chief Secretary could not have read the Reports of the occurrence at Lurgan, where the loss of life was not caused by the police firing over the heads of the people, as was supposed to be the case by the right hon. Gentleman. The most cursory examination of the Report would suffice to show that the person who was shot was not 20 yards distant from the police. He considered that the Chief Secretary, in his hurried visit to Ireland, would have done better to ask the opinion of resident magistrates, or competent members of the Constabulary, as to the proper manner of putting down riots, than to inquire into the relative merits of bullets and buckshot. It was the opinion of members of the Constabulary Force then within his hearing that a riotous assembly could be more effectually dispersed by the exhibition of cold steel or the use of good blackthorn sticks. With such appli-

ances, the cowardly Orange mob who assailed the Catholic processionists at Dungannon might easily have been routed. He (Mr. Callan) had for years past never missed an opportunity of discussing with members of the police force the manner in which these riots could be put down. In his conversations with them he had arrived at the conclusion that sometimes in these disturbances the resident magistrate was at fault, and sometimes an anti-Irish, anti-Catholic Sub-Inspector. He trusted that there would be no opposition to printing and circulating the official Report of the authorities who had held an inquiry into the melancholy affray at Dungannon.

MR. T. D. SULLIVAN said, he certainly was in favour of a division in the functions and character of the military and the police in Ireland, and he thought the combination of the two caused many troubles in that country. The policemen were introduced into public meetings in Ireland, in their guise of policemen, and at the turn of a hand, or the uttering of a word, they became soldiers for the shooting down of the people. Now, let them have honesty in the matter. They had been told that it was right to call a spade a spade; let them carry out the principle in this case. Let policemen be policemen, and let soldiers be soldiers. If the present order of things were to continue, and the armaments of the police to be extended still further, where should they draw the line? Should they have artillery using grapeshot upon the people? He did not see why they should not if the present state of things was to go on. The police were simply soldiers in disguise. They combined two functions which clearly were distinct and separate; but what did the whole discussion prove beyond the relative merits of buckshot and bullets? He contended that what it proved was the failure of the attempt of the English Government to properly and justly rule the Irish people. The troubles in Ireland would have disappeared long since under native rule. The party processions in the North of Ireland, which were a scandal to the country, were the fruit of the present system of government. He knew it was the fact that the presence of the police at meetings was often the cause of disturbances. Let them have police, by all means, but let them be police worthy of

the name; and if they were to be shot down in Ireland, either by buckshot or bullets, let it be by the military forces from England.

MR. MITCHELL HENRY said, that in withdrawing his Notice he wished to express his regret at the wide range the discussion had taken. He had spoken entirely upon the question of the different kinds of shot; but the right hon. Gentleman the Chief Secretary was evidently totally at sea upon the question. Everybody would admit that if a crowd were to be dealt with at close quarters, and only slight injuries to be inflicted, they must, if they used firearms, reduce the charge of powder; but the military never thought of that. What they did was to cut a bullet into a great number of pieces, so as to make it twice as dangerous and destructive as it was before. In his opinion, the right hon. Gentleman ought to issue instructions to have two kinds of cartridge served to the police, one with a very small charge of powder and snipe-shot, and the other of bullets, so that the horrible wounds might not be inflicted which were the result of buckshot or of the use of a bullet cut up into pieces. He hoped that the right hon. Gentleman would look a little further into the matter than he had yet done.

MR. BIGGAR wished to say, before the Motion was withdrawn, that it seemed to him that the question raised by the Motion was of a far more serious character than it had seemed at first. It appeared that the buckshot used was frightfully dangerous, for instead of being round shot that would make a clean hole, they were likely to tear the party injured in the most frightful manner. It seemed to him to be a thoroughly brutal mode of attacking a large crowd of people; but during the discussion of the Motion several questions were raised, not exactly on the same lines as the hon. Member for Galway (Mr. Mitchell Henry). For example, there was the question of the desirability of processions or otherwise, and also there was a question on the merits of that unfortunate procession at Dungannon. Now, with regard to processions generally, he must say that he was personally in favour of them. They were a mode of expressing the opinions of the people in large masses, and he thought it was quite justifiable that both Protestants

and Catholics should have the opportunity, if they felt so disposed, of pointing out their feelings, because a very large proportion of the people were without votes. It was true they might send up Petitions to the House of Commons; but the only result was that the Petitions were thrown into a basket and nothing more was heard of them. He contended that the propositions laid down by the Chief Secretary for Ireland were of a thoroughly inconsistent nature—namely, that he would give instructions to the magistrates to put down these processions with a strong hand, and believing that they were calculated to promote breaches of the peace. He would tell the right hon. Gentleman what he thought was calculated to promote breaches of the peace, and that was what had recently occurred in Dungan-non—namely, the unfair system by which the law was enforced in Ireland. Now, he was afraid the right hon. Gentleman had not read the evidence in that unfortunate Dungannon affair, because, from the statement he had made in that House, it appeared he was led to believe that the case was entirely different from what it really was. He had received a letter from a gentleman, showing that the procession was attacked in several parts by the Orangemen, and that the police, instead of protecting the peaceable processionists, attacked them and protected the Orangemen. That was the real reason why the police in Ireland were unpopular, and had not the confidence of the people. Now, the police force was entirely in the hands of the magistracy, and he had made that preliminary observation with regard to a Question he wished to ask of the Chief Secretary. That Question was, Was it true that Mr. Simpson, grocer and publican, of Market Square, Tyrone, had not yet been arrested, although two respectable witnesses had sworn that on the Wednesday they saw him fire shots from his window into the crowd? He also wished to know whether it was true that Sub-Inspector Webb was still at the head of the police force in Dungan-non, although he had not arrested Simpson? The real state of the case was that the pretence of justice in the county of Tyrone was a farce. Webb associated with low Orangemen, and Simpson deliberately fired from his window into the crowd, and no steps were taken

against him. Now, if the Chief Secretary would endeavour to make himself acquainted with the state of affairs in Ireland, and get justice a little better administered, it would be productive of a far more satisfactory state of affairs than that at present.

Motion, by leave, *withdrawn*.

#### THE ROYAL AGRICULTURAL COMMISSION—ADMISSION OF THE PRESS.

Mr. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the new Royal Agricultural Commission intend to hold their sittings in secret; and, whether there exists any objection to admit the representatives of the press, in order that evidence given by such tenant farmers and others who may present themselves for examination may be open and subject to public criticism?

Mr. W. E. FORSTER: Sir, this is a matter entirely for the Commissioners themselves to decide, and as the Commission was not sitting when I was in Dublin I did not know their decision. I believe it is not usual for Royal Commissions to make public from day to day whatever evidence they take.

#### NAVY—VACANCIES IN PEMBROKE DOCKYARD.

Mr. HENRY ALLEN asked the Secretary to the Admiralty, When the vacancies which have occurred in the number of artificers and workmen on the establishment in the Royal Dockyard, Pembroke Dock, will be filled up?

Mr. SHAW LEFEVRE: Sir, I am informed by the Superintendent of Pembroke Dockyard that the vacancies will be filled up in a few days.

#### TRAMWAY COMPANIES—RAILWAY PASSENGER DUTY.

Mr. HANBURY-TRACY asked the Secretary to the Treasury, Whether the Board of Inland Revenue, since they exempt Tramway Companies from Railway Passenger Duty on the ground that they are not the proprietors of the roads as well as of the rails, levy that Duty on Tramways belonging to Municipal Corporations where the rails and the road underneath belong to one proprietary; and, if not, if he would state why not?

*Mr. Biggar*

**LORD FREDERICK CAVENDISH:** Sir, railway passenger duty is not levied on tramways under the circumstances alluded to by my hon. Friend, because the Board of Inland Revenue are advised that, not only on the particular ground stated by him, but as a general question of law, Tramway Companies are not liable to the duty.

**ARMY—FLOGGING LEGISLATION.**

**SIR H. DRUMMOND WOLFF** asked the Secretary of State for War, If the authorities of the War Office have as yet discovered a punishment to be substituted for flogging?

**MR. CHILDERS:** I stated a few weeks ago, in reply to the hon. Member for Newcastle (Mr. J. Cowen), and later in reply to the hon. and learned Member for Chatham (Mr. Gorst), that I proposed early next Session to introduce a measure, consistent with our former pledges, as to the abolition of flogging and the substitution of some other punishment. I have no intention of anticipating the statement I shall then make.

**DISTRESS (IRELAND)—RELIEF WORKS.**

**MR. O'CONNOR POWER** asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that the Board of Works has not yet signified to the Standing Committee approval of the works passed at the last Tyrrawley extraordinary sessions; and, if so, whether he will take steps to have these works approved of without further delay?

**MR. W. E. FORSTER:** The delay had arisen this way: The works passed at the last Sessions varied in many important respects from those included in previous presentments; and it was, consequently, found necessary to institute further inquiry concerning them. Mr. Brand made this inquiry, and sent his Report for the consideration of the Irish Government. No decision has been come to as yet. I understand it is the opinion of the officials that, unless in exceptional cases, it is not desirable to begin new works before the harvest is over. That would imply that these works should be submitted before the harvest is over. I think it unwise that they should compete with harvest work. There are 73 relief works in this barony, involving an ex-

penditure of £3,500, and employing from 1,500 to 1,700 men per day.

**MR. O'CONNOR POWER** said, he could assure the right hon. Gentleman that if these works were not immediately sanctioned they could not be proceeded with at all. In fact, they were to be finished on the 15th of September, and it seemed to him to be the intention of the Board of Works to withhold their sanction until too late. Would the right hon. Gentleman say whether, when the harvest was reaped, it would be competent to make due presentments for the work?

**MR. W. E. FORSTER:** Sir, I believe the Baronial Sessions will have powers to authorize the undertaking of further relief works during the remainder of the year.

**THE TOWER OF LONDON—ADMISSION OF VISITORS.**

**MR. RITCHIE** asked the Secretary of State for War, Whether arrangements are yet completed for affording additional facilities for enabling the public to obtain admission to the Tower of London; and, if so, whether he will state what those facilities are, and when they are likely to be in operation?

**MR. BRYCE** also asked the Secretary of State for War, Whether, in the new regulations (which he stated it to be his intention to have prepared) for the admission of visitors to the Tower of London, he will cause provision to be made for increasing the number of days in the week on which visitors are admitted free of charge, for abolishing the present system of conducting them round in parties, and for permitting them to enter certain parts of the building which have been hitherto kept closed; and, whether he will direct a Copy of the promised new regulations to be laid upon the Table of the House as soon as may be after they have been finally approved?

**MR. CHILDERS:** Sir, with the leave of the House I will answer together the Questions of the two hon. Members for the Tower Hamlets. Very soon after I became Secretary of State, my attention was called to the numerous complaints made as to the arrangements for the admission of visitors to the Tower, and I at once instituted inquiries on the subject. I have visited the Tower myself as one of the public,

unknown to the officials, and am thus personally aware of the objections to the present arrangements. The Tower is at once a palace, a prison, a fortress, an ordnance store, a museum of antiquities, and a jewel house; and, in any arrangements for the better convenience of visitors, several departments have had to be consulted. I am glad to be able now to state to the House that Her Majesty has been graciously pleased to approve arrangements being made as an experiment, under which the conditions of admission will be assimilated to those of other places of interest in the Metropolis; the system of batches of visitors being personally conducted round by warders will be given up, and care will be taken to describe the objects of interest in an improved catalogue and by attached labels. A committee has been appointed to work out the details of the new plan, which will be brought into operation as soon as possible; but I fear not before the close of the Session. The possibility of showing to visitors additional places of interest will be considered by the committee, and also the question of an additional free day; but the latter is one of expense affecting the Estimates.

#### IRELAND—THE NEW LIFFEY BRIDGE.

MR. O'CONNOR POWER (for Mr. Dawson) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether extra policemen have not been placed on the new bridge over the Liffey at the request of the Port and Docks Board, who have nothing whatever to do with the traffic regulations?

MR. W. E. FORSTER: Sir, I find that an extra police force was placed on the new bridge on the day of the ceremony of renaming the bridge. I was rather surprised that it was thought necessary to ask so many Questions with respect to this matter; but, as they are put, I beg to state that I call it the new bridge, because I do not want, in the slightest degree, to be brought into the controversy respecting it. The reason the police were stationed there was to prevent persons climbing upon and injuring the lamps, parapets, and other parts of the bridge, it being apprehended that a considerable number of persons might assemble on that day. The head of the Metropolitan Police—

*Mr. Childers*

for I saw him on the matter—stated that if the Port and Docks Board had not made any request, the Commissioners would have felt it their duty to have placed additional police on the bridge for its protection, particularly as they had some reason to suppose that an attempt would be made to injure the tablets. Since then no further communication had been received from the Port and Docks Board, and police have always been placed on this bridge. I find it is a bridge on which it is necessary to have police to prevent any injury to the passengers from the cross traffic. For the first few days after the opening, while it was regarded as a curiosity, and there was supposed to be still this danger to the tablets, there were two additional policemen on the bridge. Well, I saw when I drove round that entirely without my knowledge, or any reference to me, that it was found unnecessary to have two policemen, and that they had been reduced to one. I should say that this matter really ought hardly to have come before Parliament, although it is one of interest to Ireland. I want to correct one statement that I was reported incorrectly to have made. Generally, I must say that I am reported very correctly. I was reported to have said, when I was asked a Question as to whether we would pay for a legal opinion on this business, that I thought the two parties, the Corporation and the Port and Docks Board, might fight it out. Well, that would have been a very improper statement for me to make, and I did not make it. What I said was that I thought each of the parties was rich enough to pay for their own legal opinions, and I considered that they should do so. Now, may I express a hope that the authorities in Dublin will agree upon the subject? I cannot help thinking that upon this subject the Corporation are the best judges of the feeling of the town; but, however that may be, I think it is rather a scandal that there should be all this dispute about it; and I think, also, that the name of a man who, whatever his opinions, was one of the great men of the country, should not unnecessarily be brought into the matter.

MR. O'CONNOR POWER asked, Whether it was true that the police force placed upon the bridge were last Saturday watching the tablets when a woman

picked the pocket of a lady, and that the policeman refused to follow the thief because of his other duty in watching the tablet?

**MR. W. E. FORSTER:** I think the hon. Member must have an extraordinary idea of my omniscience to expect me to know that.

#### MEDICAL ACT, 1858—THE GENERAL MEDICAL COUNCIL.

**MR. ARTHUR O'CONNOR** asked the Vice President of the Council, Whether a nomination by the Privy Council of a medical man to be a member of the General Medical Council is permanent and irrevocable, or whether such nomination can be withdrawn?

**MR. MUNDELLA:** Sir, the Crown nominees on the Medical Council are appointed by Her Majesty in Council for a term not exceeding five years, in accordance with the provisions of the Medical Act, 1858. Section 8 of that Act provides that any person so nominated may at any time resign his appointment by letter addressed to the President of the Medical Council.

#### EDUCATION DEPARTMENT—EXAMINATION OF JEWISH MONITORS.

**MR. SERJEANT SIMON** asked the Vice President of the Privy Council, Whether his attention has been called to the case of two female monitors who, lately, in consequence of their religious objection as Jewesses to be examined on the Jewish Sabbath, were unable to attend the examination appointed by the Government Inspector to take place on that day at the Aberdare Board School, and who were consequently unable to qualify themselves for the position of teachers; and, whether arrangements might not be made which in future would secure the appointment of days for the examination by Inspectors which would not be objectionable to candidates on such grounds?

**MR. MUNDELLA:** Sir, the attention of the Educational Department had not been called to the case of the two Jewish monitors until the hon. and learned Member brought it under my notice. I am afraid that I cannot promise to change the day of the week on which the general examination of pupil teachers is held. Saturday is chosen

because schools do not meet on that day, and pupil teachers are, therefore, able to attend the collective examinations. But if the Education Department should be informed in time of such an objection as that to which my hon. and learned Friend alludes, we should make special arrangements to meet it. In the case of monitors such arrangements can easily be made, and in future this shall always be done where due notice is given.

#### THE COMMISSIONERS OF INTERMEDIATE EDUCATION (IRELAND)—EXAMINATIONS AT PARSONSTOWN.

**MR. ARTHUR O'CONNOR** (for Mr. MOLLOY) asked the Chief Secretary to the Lord Lieutenant of Ireland, If it be true that the Intermediate Education Commissioners appointed the 30th of June last and the following days to hold their annual examinations in Parsonstown, King's County, and if, after such public notification of such proposed examination had been duly given they, the said Commissioners, without giving any notification to the Banagher Royal School and other schools and pupils attending this centre (notwithstanding the fact that all the necessary conditions and preliminaries had been fulfilled by the said pupils of the different schools and locality), did abandon the examination, and thus deprive them of all benefit by way of prizes and prestige; and whether, if this be so, he can aid in relieving the schools and pupils from the injury thus inflicted.

**MR. W. E. FORSTER**, in reply, said, that the Commissioners did meet at Parsonstown upon the day mentioned, when 26 candidates were selected by them—namely, 14 from Dungannon school, six from the school at Enniskillen, and six from other royal schools. All the schools in the centre had been apprised of the examination; but in some cases the usual preliminaries had not been complied with. And as regards one school, an intimation was received from it that the pupils could not come up as they were suffering from the small-pox.

#### EVICTIIONS (IRELAND)—HARSH TREATMENT.

**THE O'DONOGHUE** wished to ask the Chief Secretary to the Lord Lieu-

tenant of Ireland a Question of which he had given him private Notice—namely, Whether he has seen in the “Times” Irish correspondence of Friday the statement of an unfortunate man and his family who had been evicted, some of whom afterwards took refuge in a shed on the land, for which they were fined for trespassing? He wished to point out that while the rigours of the law were applied to such poor people they were not applied to the landlords.

MR. W. E. FORSTER: Sir, I believe the Guardians have the power to act in the circumstances described by the hon. Member. I am advised that it is their duty to do so, and I shall write to the Local Government Board for their opinion on the subject. My attention was not called to the subject till I received a note from the hon. Member; and I am, therefore, writing to-night to make inquiry into the facts.

#### BRIDGES (IRELAND)—THE CUNNIGAR BRIDGE.

MR. O'DONNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, If in the event of the Report of the Inspectors of Irish Fisheries being in favour of the construction of a bridge to the Cunnigar at Dungarvan, he will grant said Report as a Return; and if he will be good enough to request the Board of Works to send an engineer with as little delay as possible to make a plan and to estimate the cost, in order that the borough may have the necessary official data for the further prosecution of so useful an undertaking?

MR. W. E. FORSTER: Sir, with respect to the Report of the Inspector, it is certainly in favour of the construction of the bridge. If the hon. Member will move for it I will be glad to give him the Report. I will communicate as to the matter with my right hon. Friend at the head of the Board of Works.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

SIR MICHAEL HICKS-BEACH asked the Secretary of State for India what would be the course of Business to-morrow. It was understood last week that if the Irish Estimates were not concluded that night they would be proceeded with to-morrow, and would be fol-

lowed by Report on the Hares and Rabbits Bill, that being preferred to the Colonial Estimates and others not yet voted. At any rate, it would be very convenient if Members were told if it was intended to take the Hares and Rabbits Bill after the Irish Votes.

THE MARQUESS OF HARTINGTON: Sir, it is extremely difficult, I am sorry to say, to give any very accurate information to the House as to the conduct of Public Business, on account of the extreme uncertainty as to the length of time which the discussion of the Irish Estimates may take. I hope that, at all events, the Irish Votes may be finished to-morrow. If we do not get through them to-night we propose to go on with Supply to-morrow for the purpose of the Irish Votes, and to ask the House to meet at 4 o'clock. The next Business after the Irish Votes will be the Report of the Hares and Rabbits Bill. Of course, if Supply be finished to-morrow night in sufficient time, we should ask the House to go on with the Report of the Hares and Rabbits Bill at once; if not, on Wednesday; and also the Report of the Grain Cargoes Bill, and the Committee on the Savings Banks Bill, as to which I understand there is very little further discussion required. If we should get through the Report of the Hares and Rabbits Bill by Wednesday we should hope to be able to propose the third reading on Thursday, when there will be an opportunity for a full discussion, which I believe is desired. That would leave, I trust, some time for the consideration of the Burials Bill in Committee and on the Report at the end of the week. If the House is able to dispose of Supply on Monday next, it would, I think, be possible for the House to rise on this day fortnight. I should suggest that the discussion on the South African Vote be taken in Supply on Monday next, or on to-morrow week on the Report of Supply. Sufficient opportunity would then remain during the passage of the Appropriation Bill through the House for a discussion, if thought necessary, upon foreign affairs, and there would also be an opportunity for a discussion of the Expiring Laws Continuance Bill, and also of the Motion of my hon. and learned Friend the Attorney General for the issue of the Bribery Commissions. I wish it, however, to be distinctly understood that all these arrange-

ments must depend entirely on the progress of the Irish Vote, and also on the possibility of getting through the remainder of Supply on Monday next. The discussion on the Indian Budget will be resumed, perhaps, some day at the end of the Session, and the Appropriation Bill will be introduced on the day on which the last Vote is reported.

#### THE NATIONAL PORTRAIT GALLERY.

MR. BERESFORD HOPE asked the Financial Secretary to the Treasury, Whether, considering the assurance given in Committee of Supply by him on August 9, that a Supplementary Estimate would be asked for to limit the risk of fire at the National Portrait Gallery, and that no sum for that purpose appeared upon the Supplementary Estimates dated August 6, and delivered on Saturday, Her Majesty's Government intended to submit a further Supplementary Estimate for that object?

LORD FREDERICK CAVENDISH: Sir, I have not forgotten the statement which I made in Committee of Supply to which my right hon. Friend refers. Authority has been given to the Board of Works to make the alterations which were considered necessary for the protection of the National Portrait Gallery from fire. These works will be proceeded with at once; but as a Supplementary Estimate for public works may probably be required later in the financial year, it is more convenient to postpone this and other small items of expenditure of a similar kind in order to collect them into one Vote, which will, if necessary, be taken at the beginning of next Session.

#### NIGHT POACHING ACT (SCOTLAND).

SIR DAVID WEDDERBURN asked the Secretary of State for the Home Department, Whether he will introduce next Session a Bill, similar to that which was last year introduced and withdrawn by the late Government, in order to confer upon the Sheriffs in Scotland the discretionary power of substituting a fine for imprisonment in cases of conviction under the Night Poaching Act?

MR. ARTHUR PEEL: Sir, I am not able to give a distinct pledge that my right hon. Friend the Secretary of State will introduce a Bill next Session for conferring upon the Sheriffs in Scotland the discretionary power of substituting

a fine for imprisonment in cases of conviction under the Night Poaching Act; but there are strong reasons for considering the subject with a view to legislation. The Bill which was introduced last year by the Home Secretary and the Lord Advocate, and which was withdrawn at the last stage of its progress, was strongly supported by public opinion in Scotland, and I believe that there are strong reasons for some mitigation of the severity of the Criminal Law with reference to poaching.

#### THE HOUSE OF COMMONS—THE REFRESHMENT BAR.

MR. MONTAGUE GUEST said, that as the noble Lord the Member for Chichester (Lord Henry Lennox) was not in his place to ask a Question, of which he had given Notice, as to providing a Refreshment Bar for visitors to the Speaker's Gallery and other strangers, he would take that opportunity of asking the First Commissioner of Works, Whether the present contractor for refreshments to Members received £500 per annum, besides coal and plant, for conducting the refreshment department of the House; and, whether, considering the moderate quality and immoderate price of these refreshments, he would undertake to inquire on what terms Messrs. Spiers and Pond, or some other eminent restaurateurs, would undertake the duty?

MR. ADAM, in reply, said, he had had no Notice whatever of the Question, besides which the control of the matter was not vested in the Board of Works.

#### THE MINT—THE NEW BUILDING.

In reply to Mr. MITCHELL HENRY,

LORD FREDERICK CAVENDISH said, no step would be taken with reference to the building of a new Mint until the House had passed a Vote on the subject.

#### STATE OF IRELAND—SPEECH OF MR. DILLON AT KILDARE.

##### OBSERVATIONS.

MR. DILLON: Sir, I think it right that the right hon. Gentleman the Chief Secretary for Ireland should have an opportunity of explaining a reply he gave to a Question in this House. For



the purpose of affording him that opportunity I propose to conclude with a Motion. Before I allude to anything that has been said, I think it desirable that I should not lose this opportunity of thanking the hon. and gallant Baronet (Sir Walter B. Barttelot), who asked the right hon. Gentleman this Question, inasmuch as he has saved me a considerable deal of labour in Ireland; for, by directing the attention of the farmers of Ireland so markedly to the advice I have given them, he has published that advice more widely than I could possibly have done. More than that, he has earned the thanks of the National Land League, and of myself personally. The report he read to this House of the language I used in Kildare is certainly a very inaccurate and bad report; but the meaning, I am bound to say, is substantially the meaning of what I said, and I am prepared to repeat that language at every public meeting that I attend during the autumn in Ireland. To be called a coward by the right hon. Gentleman is just as much matter of indifference to me as if I were denominated a ruffian by the *London Times*. Such things are being constantly experienced by anyone who sets himself to oppose the methods or results of the British Government in Ireland, or in any other Dependency. The right hon. Gentleman is at liberty to amuse himself as much as he likes by abusing me; for, by doing so, he only strengthens my popularity amongst my own constituents, and will render my seat in this House more secure and less troublesome to myself. He is at liberty to call me a coward and an impostor as often as he thinks fit, or any other epithet which he may choose; but there is one term, which he made use of, to which I object. It was when he accused me of making a wicked speech to the people of Tipperary; because he not only involved me in that abuse, but the people who worked with me in the Land League, the people who applauded my utterances, and the thousands who supported our policy in Ireland. He said my language was wicked. This is so intensely English that I will not pass it over in silence. What is it he found wicked in my language? He found it wicked, because I encouraged the people to resist, to the best of their ability, a law which he knows, in his soul, works the foulest injustice in Ireland. He called

me wicked, because I think the people should resist, to the best of their ability, the enforcement of that law. What can we think of a Chief Secretary for Ireland who sits on that Bench to govern Ireland, while he may be called on to enforce a law which he believes to be unjust? What is the meaning of a responsible Government, if the Members of it know that the laws they are called on to enforce are unjust? A great deal of nonsense is talked about the Government having shown themselves friendly to Ireland; but I say the Government has not discharged its duty in Ireland, because it did not act towards Ireland—it never does—as it would have acted towards Great Britain under similar circumstances. If a Minister had said in this House that the present condition of the law was so unjust that it had brought this country within a short distance of civil war, would it be consistent with their duty as men of honour to remain on the Treasury Bench and undertake to carry out that law? The right hon. Gentleman proclaimed that he was determined to enforce the law in Ireland, and some time ago one of Her Majesty's Ministers said he would leave nothing undone to maintain peace and order. Yes, he will protect, as the law has always protected in Ireland, the lives and the property of the rich; but he will refuse to protect, as the laws have always refused to protect, the lives and property of the poor. Not only that, but the right hon. Gentleman himself has proclaimed his intention of assisting the rich in Ireland to rob the poor, and denounces us as wicked because we have identified ourselves with saving to the poor the little they have been left. In my opinion, it would be far better for the Chief Secretary for Ireland to leave that Bench, and decline to administer unjust laws in Ireland, before exercising his ingenuity in framing and applying opprobrious epithets to the men who are endeavouring to protect the people in Ireland, or, on the other hand, wasting his time and the time of the House in ludicrous appeals to the forbearance of rack-renters and evictors—ludicrous to anyone acquainted with the history of Ireland. I have been laughed at here and "elsewhere" because I said we would have riots in Ireland this winter; but if the landlords do as they did in 1849 and in 1863,

as regards clearing out the people, from what I know of the temper of the people, such a course will not be pursued without desperate resistance and more or less bloodshed. All this long wrangle I have heard to-day over bullets and buckshot is wide of the mark, because I believe the buckshot was issued to the police under the belief it would have to be fired at the evictions; and, when there is a distinct mention of firing, the probabilities of bloodshed are immensely increased. I will conclude by saying that, if bloodshed does occur in Ireland, the responsibility will lie at the door of the man who persists in maintaining what he chooses to call law and order, but what I call injustice, and in doing what necessarily incites the people to something much worse than civil, and that is social, war. In conclusion, I beg to move the adjournment of the House.

MR. ARTHUR O'CONNOR, in seconding the Motion, said, he agreed so far with the hon. Member for Tipperary (Mr. Dillon) that he did not regard obedience to English-made law in Ireland as a matter of moral obligation. It was a mere matter of prudence. More cruel, ruthless, and stupid laws, based on force as they were, were never imposed upon the people of one country by the people of another. He entirely endorsed the views of his hon. Friend, and should be proud in the autumn to be by his side in Ireland, as he was now in the House of Commons.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Dillon.)*

MR. W. E. FORSTER: Sir, the hon. Member for Tipperary (Mr. Dillon) has said that he wished to give me an opportunity of explaining the answer which I gave to a Question of the hon. and gallant Baronet opposite (Sir Walter B. Barttelot) in reference to his speech. I may say that he has not overstated its effect, and that I have no alteration to make in it. On the contrary, I adhere to every word I used in that answer; but I think the remarks of the hon. Member, as he is present, make it desirable that I should make some explanation of the reason why I gave that answer to the Question put to me. What I stated was this—that the speech was a wicked one. I said it was wicked, and

that its wickedness was only equalled by its cowardice; because it had been addressed to excitable men at a trying time, and that the speech was so ingeniously framed as to secure the speaker from being prosecuted. What I said then I adhere to; and although the statement made by the hon. Member to-night may appear to many of us of a serious character—and, certainly, it is a very broad statement—doubtless he is well aware that, just as we think it desirable to fence round the freedom of debate with very strong safeguards, it would not be very difficult to make such a speech as he has made and be protected by the protection afforded to speeches in Parliament; and, therefore, the hon. Member may be quite safe in making such a speech as he has made to-night, although he said in that speech that the law ought to be resisted. But why did I use the words referred to? The hon. Member rather questioned the correctness of the report. Well, I thought it my duty to compare the report of the speech obtained by the Government with the reports in the newspapers, and I found the newspaper reports to be substantially correct. And what does the hon. Gentleman say was his object? His object was to put a stop to rack-renting. [MR. DILLON: Hear, hear!] Well, I wish that rack-renting could be put a stop to. But what, then, did he say? He insisted that every man who was paying a rack-rent in Ireland should pay it no longer. Would that advice not be understood by those who heard the hon. Member as signifying that they were to decide what was rack-renting? Secondly, he insisted that no man or woman should be put out of his or her farm, and that no evictions should occur in the County of Kildare during the coming year. He also said the House of Lords had rejected a Bill to prevent evictions. I need not refer to the Bill which has taken up so much of the time of the House; but that Bill was not to prevent every possible eviction, but to prevent unjust and unreasonable evictions. We have never stated, and it would not be correct to state, that every eviction is unjust. The hon. Member said to those men, who would not be likely to be very impartial judges in the matter, that every eviction was to be resisted. ["Read!"] I am reading. The next thing the hon. Mem-

ber said was that it would be the duty of the people to insist that no arrears of rent should be realized during the coming year—quite independently of the fact whether a man could pay his arrears or not, or whether the case would be a just one or an unjust one. I am now, Sir, putting out of the question the fact that the law as it stands must be obeyed. I have before stated that it must be, and I adhere to the statement, because, if it were not, as I have said before, society would be disorganized. If the hon. Member had studied the question, he must have known that he was absolutely wrong in leading those men to believe that, in every case, arrears of rent ought not to be recovered. That is what he stated was his object. The hon. Member went on to say that the practical question for the farmers was how were they to attain those ends, and he gave one or two means by which they were to attain them. One was that all the young farmers and all the young men should be brought to attend the meetings, to march to the meetings; and the result of the organization would, he said, be that no man would be found to take the farms from which men had been evicted. By that statement he encouraged those men—he might do it safely in Parliament—to march organized and for the purpose of doing an illegal thing.

MR. DILLON rose to Order. He wished to know whether the right hon. Gentleman was correct in saying that he was safe in Parliament?

MR. W. E. FORSTER: I believe the hon. Member is safe here. Whether he will remain safe is quite another matter, and must rest with himself. Then the hon. Member goes on to another suggestion. In the County of Mayo, he said, they had a good many farms lying idle. That being so, he said the landlord could get no rent, and if he put cattle on the land they would not prosper very much. Now, I suppose the hon. Member is not without knowledge how such a suggestion as that has been followed out, and in what manner the cattle have not "prospered." For some time it has been my painful duty to attend to these matters, and I have been horrified at the cruelties practised upon poor unoffending animals, and with the way in which it was made quite certain that the cattle should not prosper. If

the House will allow me, I will give them one case which came before me within the last day or two in Dublin, and it is one of very many, I am sorry to say. I have before me the report of a Sub-Inspector as to a case of outrage occurring a mile from Oranmore, not far from Mayo, where the cattle were not to prosper. On the previous night, he said, five bullocks and 16 sheep belonging to a respectable farmer were houghed—that is, their sinews were out—by several parties unknown, and no trace could be obtained of the perpetrators of the outrage. The conspiracy, he said, was so widespread that no one could be found to give the slightest information on the subject. The Inspector said he at once proceeded to the scene of the outrage, and found the animals, their sinews barbarously divided, unable to stand up. Will the hon. Member state that he is not aware that such things have occurred over and over again; and how it was he stood before the people, and made the suggestion that the cattle would not prosper very much, instead of denouncing such cowardly and barbarous proceedings? In that case the farmer who owned the cattle rented 56 acres, which had been formerly held by a tenant living in the neighbourhood, who had surrendered the farm on being forgiven a year's rent. The sub-Inspector went on to say that he was of opinion the outrage was instigated by agents of the Land League, because the owner of the cattle had taken the farm. Here was another case, and it occurred in Mayo itself on the 12th of August; and if he went back he could, no doubt, find many more.

MR. T. P. O'CONNOR wished to suggest to the hon. Member—"Order!"

MR. SPEAKER said, the hon. Member for Galway Borough was out of Order.

MR. W. E. FORSTER: In the case to which I refer the report states that on the morning in question some persons unknown maliciously cut the ears off 17 sheep, the property of Peter Ryan, on his farm, three miles from the police station. The farmer could assign no cause for the outrage, but that he had paid his rent, with a view, as he said, to show a good example. Well, I acknowledge that ~~lamentable~~ as I did of such barbarous which, I

*Mr. W. E. Forster*

believe, are contrary to the nature of the Irish people, and which, if they were properly commented upon by men who tried to influence them, like the hon. Member for Tipperary, would soon come to an end. I confess that my feelings were somewhat excited when I read that passage as to the cattle not prospering very much. So much for the past. Now comes this passage—

“It will be the duty of those organizers to tell how many men they can march to a meeting, and they should march those men like regiments of soldiers.”

Then he goes on to express a hope that before long 300,000 men would be enrolled in the National Land League; and if they were, he said, all the armies of England would not levy rent in Ireland. Now, that is an incitement to these men to break the law. Marching in that organized manner for the purpose of preventing the legal execution of the law is breaking the law, and it will be the duty of the Executive Government to prevent it. Sir, when I used the word “cowardly,” I had no reason to suppose that the hon. Member was a coward; but there are men who do things which one is perfectly surprised at their doing, and there are acts committed which are wicked and cowardly by men who are not cowards; and I consider a speech such as this to be one of those acts. What did I feel when I read that speech? I felt that it would be my duty—not merely the duty of the present Chief Secretary, but of any Chief Secretary—to prevent society from being utterly disorganized, to give protection to life and property, and to take care that the law was obeyed; and I knew very well that if the men of Mayo or of any other distressed parts of the country were to follow the hon. Member’s advice—advice which, I say, was skilfully framed in order to be safely given, but which, nevertheless, it would be unsafe to follow—it would be my business, as it would be that of any Government, to put down such meetings as those. I knew, too, that in doing so collisions must follow, and what must be the terrible result to the poor unfortunate people who followed such advice; and it was that feeling which made me say that a speech such as that exhibited both wickedness and cowardice. As the hon. Member has brought up this question, I must make a further remark. I did not do it

in answer to the hon. and gallant Baronet the Member for West Sussex, because I did not then think it necessary; but I do think it necessary, to prevent misconception in Ireland. The hon. Member, towards the conclusion of his speech says this—

“If they adopt the platform of the Land League for the people, every farmer may obtain possession of his own farm if he chooses”—

that is, if he chooses, and not if he would buy it. And then he states what it is his duty to do in Parliament. He believes that—

“Those in Parliament, faithful to the cause of the people, could paralyze the hands of the Government, and could prevent them passing such laws as would throw men in prison for organizing themselves. In Parliament they could obstruct, and outside of it they could set the people free to drill and organize themselves, and take it out of the power of the police to arrest every man who was out after 8 o’clock at night.”

I do not suppose that anyone proposes to do that.

“They would show that they had a right to march to meetings, and to obey the commands of their leaders if they chose to do so.”

They have no Parliamentary right under the law now to hold a meeting for the purpose of intimidation.

“They would show that every man in Ireland had a right to a rifle, if he liked to have a rifle.”

I think it is desirable the people of Ireland should know the facts of this matter—or, rather, that they should be known to such small minority as is likely to be influenced by the hon. Member. I have already stated to-night that, notwithstanding anything the hon. Member and hon. Gentlemen like him may say, we do not despair of being able to maintain law and order in Ireland without resort to any exceptional powers. We do not believe the hon. Member will force us into a Peace Preservation Act, or a Coercion Act. But suppose we realize what the hon. Member and those who second him have said about the autumn and the winter, and suppose we cannot keep law and order without coming to Parliament for further powers, the hon. Member is fearfully misleading the people of Ireland if he supposes that this House would not give those powers, if hon. Members felt that law and order could not be maintained without them. No attempt at obstruction by a minority will prevent the House of Commons sup-

porting the Government in its first and primary duty, the protection of life and property. I do not, however, expect that. In my answer to the hon. and gallant Baronet, I guarded myself by assuming that we might exaggerate the effect of a speech such as this, and it would be a mistake to do so. I do not believe the people of Kildare were excited. The reports that have reached me do not show that the speech did much to affect the people of Kildare. But there are parts of Ireland in which there has been great distress, and in which words such as these may have some effect; but it would be a very great mistake to exaggerate that effect. I may tell the hon. Member that, whatever he may do or may not do, there are three things he will not be able to do. First, he will not induce the Government, in any way, to relax the determination to preserve peace and order in Ireland. Secondly, he will not, so far, force the hands of the Government, or oblige, or induce, or tempt them to bring in any special measure until they are perfectly assured that they cannot keep the peace with the existing laws. Lastly, he will not tempt, nor induce, the Government to swerve for one moment from the determination to look at the evils under which Ireland is labouring, to look at the state of things which alone has made it possible for the hon. Member to make such speeches as he has made, and to propose to this House, I trust very speedily, such measure as may be necessary to put the relation of landlord and tenant in Ireland on a better footing, and tend to bring about a better state of things.

MR. A. M. SULLIVAN said, he had listened with sincere regret to the speech which had just been made by the right hon. Gentleman, because the former speech, which he (Mr. A. M. Sullivan) had hoped might have been spoken in a moment of irritation, had been magnified into a Government declaration against Ireland, and the one they had just heard in no sense removed that impression. ["No, no!"] The moment was one of greater gravity than some hon. Members seemed to imagine. When he read the language which the Chief Secretary for Ireland applied to an hon. Gentleman whom he (Mr. A. M. Sullivan) was proud to claim as a Friend, he remarked that if there was one Member of the Government whom he thought incapable of

falling into such an error it was the right hon. Gentleman, and if there was an Irish Member of Parliament who did not answer to the description it was the hon. Member for Tipperary. The man who ventured or dared to call John Dillon a coward exposed himself to a taunt and an answer which Parliamentary propriety forbade him (Mr. A. M. Sullivan) to utter. The man who uttered such an accusation against his hon. Friend, whether broadly or veiled under Parliamentary euphemism, knew not the man whom such a description would libel. His hon. Friend dared to speak all he felt. He had never incited, he never would incite, anybody to the commission of any act which he was not ready to share, and the full penalty of which he was not himself ready to bear. If that was cowardice, he knew not what manliness and bravery might be. He had no wish to retort on such a Gentleman as the Chief Secretary for Ireland; he had no wish to imitate his lamentable error by using against him, for the purpose of argument, the charge which, in his conscience, he did not believe to be true. He believed the right hon. Gentleman to love the truth, and to be kindly disposed towards Ireland; but he would say, if he did not know the right hon. Gentleman as well as he did, with his creditable and honourable antecedents, he should have said it was cowardice for a Minister of the Crown to use his high position to hurl such a charge against an absent man. What defence did the Chief Secretary offer for the use of such language? If a Minister of the Crown felt uncomfortable—and, no doubt, the position of the right hon. Gentleman was painful in the last degree—it was painful to him, because he was a conscientious man, and because he found himself compelled to administer a law founded in injustice and oppression upon a people who were determined to resist it—if his position was painful, he had no right to retort in venomous and violent language upon political opponents. If his hon. Friend were charged with inciting to a breach of the peace, and he was guilty of it, the right hon. Gentleman knew that that was a crime, and that he could be indicted for it. If he had not so offended, how dare a Minister of the Crown apply such a word as "coward?" The tribunals of the law were higher than the mind, the temper, or the caprice

of a Minister. There had been times when the right hon. Gentleman the present Chancellor of the Duchy of Lancaster (Mr. John Bright), if he had not been protected by the genuine public opinion of the country, and if there had not been tribunals of English law in Westminster, might have been described by his opponents as a wicked, inflammatory, and seditious coward. If any Minister of the Crown had dared so to speak of the right hon. Gentleman, when he was identified with a great agitation in this country, there would not have been wanting hon. Members of that House to rise and defend him, independently of his political opinions. Hon. Members would have protested against such a grave scandal as a Minister of the Crown resorting, in the face of the tribunals of the law, to vituperative language in order to overwhelm political opponents. To-night, the right hon. Gentleman endeavoured to beg the question as between himself and the hon. Member by the harrowing details of atrocities in Ireland. Sharing his horror and abhorrence, he (Mr. A. M. Sullivan) would never hesitate out-of-doors, or in the House, to express his detestation of those crimes. But the right hon. Gentleman began by declaring that society would be dissolved if the law were not enforced; he would tell the right hon. Gentleman how it would be dissolved, and how it might be dissolved, under his own Administration. It might be, if the law were not enforced; but it was much more likely to be dissolved when injustice, tyranny, and oppression were garbed in the guise of the law. He had himself declared that he would not be the minister of injustice; but the good intention of the Government had been frustrated "elsewhere;" and the right hon. Gentleman, though he had a kindly nature, and was a conscientious man, could take the matter very coolly. He said it might be that the Government would be called upon to administer injustice if the measure were not passed; but when it was not passed, the Chief Secretary did not, like Pontius Pilate, wash his hands of the responsibility. He did not say—"I will not go to Ireland to shoot down people in the administration of what I have declared to be injustice; I will go into private life rather than be the Minister of such an Administration." He did nothing of the kind; he retained

his place; and the Government proclaimed that bullet and bayonet would be used to enforce laws which in that House they had declared to be fraught with injustice. Here exactly lay the whole test of the case against the right hon. Gentleman. It was easy for a cool, long-headed Yorkshire Gentleman to take a Parliamentary view of injustice to the Irish people; but it was another thing for one of their own race and nation, standing face to face with the men who were to be robbed, with the victims who had been shot down, to talk with that measured coolness which was impossible for him under the circumstances. Let not the right hon. Gentleman call him (Mr. A. M. Sullivan) a coward, if he said he should despise himself if, face to face with these things, he were to be as cool as a stranger viewing them. He preferred to be human, rather than inhumanly cool, in such a case. The right hon. Gentleman had told the House of houghing cattle, and such detestable, horrible, and wicked crimes. But he (Mr. A. M. Sullivan) invited right hon. Gentlemen on the Treasury Bench to say if ever there had been in the history of Ireland for the last 60 years a period like that of the last 10 months, a period of such terrible distress in Ireland, such dire temptation to disorder and crime, and yet which, on the whole, had passed so peaceably and tranquilly? He confessed he looked last year to the approach of November with terror and misgiving, and he said so; but it passed over with comparative peace and absence of crime, and why was that? He (Mr. A. M. Sullivan) would tell the right hon. Gentleman that it was because of the agitators whom he denounced. In former times, the people were in despair of redress from that House, or through it; and the disordered popular mind found vent in outrage and popular feeling, which all deplored; but it was a notorious fact that, during the past year, the people throughout the land meetings in Ireland had found a vent and an utterance for the popular emotion which really had been the best preservation of the peace of the country. The right hon. Gentleman might remember a Yorkshireman named Mr. Broadhead, and the terrible atrocities which marked his career and the movement of trades unionism in a portion of this Kingdom. A few people then

were unwise enough to denounce trades unions, as a whole, because of the atrocities which marked such combinations here and there in England. Trades unions, however, had their legitimate use; they had proved themselves useful in ameliorating the condition of the working classes, and of drawing the attention of Parliament to industrial questions which might otherwise pass unheeded. What had been the suggestion and advice of his hon. Friend (Mr. Dillon) on this subject? As he (Mr. A. M. Sullivan) understood that language, it meant that the tenant farmers of Ireland ought to take a lesson from the industrial classes of England, and combine in a gigantic trades union; then they would be respected and a strike would accomplish their purpose. If that were the suggestion, he (Mr. A. M. Sullivan) would say, on his own responsibility, he believed it would settle the question in 24 hours. It had often been the subject of contemptuous reproach to the Irish tenant farmers that they had not the spirit of union, like the Amalgamated Engineers and other similar Bodies in England and Scotland. Whenever they took the advice of his hon. Friend, and 600,000 tenants became as well organized and as well able to strike as the Amalgamated Engineers, they would be very near a settlement of the Irish Land Question. No doubt, during the past eight months language had been used in Ireland with respect to which he (Mr. A. M. Sullivan) could not express himself too strongly. But the right hon. Gentleman ought to weigh well his words when he came to speak of a Member of that House, who had the name and memory to uphold of one who had left behind him in his home and family a reputation as proud—he did not mean to offend anyone when he said even prouder and higher than that of any hon. or right hon. Gentleman on the Treasury Bench. He was quite sure, whatever might be his hon. Friend's career, whatever course he might pursue in politics, that he would never bring a stain on the memory which was bequeathed him by his father, and he never would give any man cause to shrink from his side, or to refuse to stand up and say he would not sit silent while the hon. Member for Tipperary was charged with cowardice. Let him stand in the dock, as was his right if he

had broken the law, and answer for it, as higher and better men had stood before; but, if he had not offended, let not the Chief Secretary for Ireland use words in the House, under the cover of Parliamentary privilege, which he dared not address to the hon. Member outside the House, and which no Minister of the Crown was treating him in a manly way that was.

MR. MITCHELL HENRY said, he wished to eliminate the personal part of the discussion, as he thought hard and personal epithets applied to hon. Members of that House were not likely to be of useful service under any circumstances. He confessed, therefore, he had read with some regret the word "cowardice" attributed by the right hon. Gentleman the Chief Secretary for Ireland to the hon. Member for Tipperary (Mr. Dillon). But he thought there was something much more at stake than whether the hon. Member was or was not a coward. The real matter which they had to consider was the object with which the speech of the hon. Gentleman had been delivered. He (Mr. Mitchell Henry), as an Irish Representative, was as anxious for the freedom of the Irish people and the redress of their grievances as any hon. Gentleman opposite; and the question he had a right to ask those hon. Gentlemen was how far they endorsed the speech of the hon. Member for Tipperary. The hon. and learned Member for Meath (Mr. A. M. Sullivan) spoke of the hon. Member for Tipperary being justified in everything he had said, on the ground—

MR. A. M. SULLIVAN: I rise to Order.

MR. MITCHELL HENRY: Allow me to complete my sentence. The hon. and learned Member stated that the hon. Member for Tipperary was justified in whatever he said, if he was prepared to stand in the dock, if necessary, and take the consequences of his speech.

MR. A. M. SULLIVAN: I beg to say I never made such a statement.

MR. MITCHELL HENRY said, in that case, he must confess he was utterly incapable of understanding what the hon. and learned Member did mean. His memory was as accurate as the memories of hon. Gentlemen opposite, yet he constantly heard them deny that which was the just inference of what they had said a very few minutes before. He said it was a

very low estimate of the moral responsibility, which belonged not merely to a Representative, but to a Christian Gentleman, to state that he could say anything if he was prepared to stand in a dock and be prosecuted for it. They had all a much higher responsibility than that. It should be remembered that they had to deal with a people many of whom were uneducated, numbers of whom were sorely oppressed, who had been greatly tried, and who had an exceedingly excitable constitution. It was, therefore, their duty to be very careful in what they said to the Irish people. It was their duty to take care not to give such advice as "Don't nail his ears to the pump." But when the people were told it was in their power to become possessed of rifles, and that they ought to go to meetings, marching in military array, everybody knew what inference would be drawn from such statements. The hon. Member who was the Leader of the Irish Representatives on the other side of the House told the people of Ireland what use was to be made of these weapons. At Liverpool he had said—

"Let us see, as in 1782, 100,000 swords, both Catholic and Protestant, leap from their scabbards, and it will not be any mean acts of Party, or anything else, that can possibly interfere with the rights of the people to make their own laws on the soil of Ireland."

["Hear, hear!"] Then, did hon. Members accept the situation? ["Hear, hear!"] Then, they were to declare war? ["No, no!"] It meant nothing else but that the people of Ireland were to be incited to insurrection. ["No, no!"] Well, it was a contempt of common sense for hon. Members to cheer words which desired that the Irish people should draw 100,000 swords, and wave them in the face of their fellow-subjects—which desired the Irish people to march in military array, and to possess themselves of rifles; and to say that all those recommendations meant nothing, but that they were to endeavour to redress their grievance by peaceable and Constitutional means. It was a mockery for hon. Gentlemen in the House, or anywhere else, to attempt to make fools of those who listened to them. Let the hon. Member who cheered so loudly there, let him draw his sword.

MR. SPEAKER: I must ask the hon. Member to address himself to the Chair.

MR. PARNELL: Mr. Speaker, I rise to Order. Is it in Order for the hon. Member for the County of Galway (Mr. Mitchell Henry) to endeavour to incite the hon. Member for Ennis (Mr. Finigan) to revolt?

MR. MITCHELL HENRY: Let the hon. Member for Ennis, who approved of the 100,000 swords being flashed in the face of the English people, let him be the first to head the movement; but let him not incite the poor, humble, and weak men, who were only too easily led away, to incur danger while he safely sat in that House. That was the point he wished to bring out—that those who used the brave words which misled the unfortunate people took care not to do anything which brought themselves into the meshes of the law. It had sometimes been supposed that hon. Members like himself (Mr. Mitchell Henry), who uniformly advocated the rights of the Irish people upon a Constitutional basis, were so much attached to their position as Irish Representatives that they were ready to lose their sense of moral obligation and of honour rather than jeopardize their seats in Parliament. That certainly was the ridiculous notion of those who put something before duty, who put their personal position and their personal objects before the much greater objects—the advancement of their country; but it could never have been truly said of many Members of the Irish Party. They knew very well that a Constitutional agitation took place in that House under the Leadership of the late Mr. Butt, which continued for many years. That agitation had the object, not of separating this country from Ireland, but of strengthening both countries by redressing the grievances of Ireland, and giving her such a measure of autonomy, that in future the two nations should stand arm and arm before the world; but the object which appeared to actuate some hon. Members opposite was to dissolve the Union, and to sever Ireland from England completely. ["No, no!"] He (Mr. Mitchell Henry) said that, unless those speeches had no meaning whatever, hon. Members had no right to use language liable to be interpreted in an ambiguous manner, if they bore any other meaning than the one he (Mr. Mitchell Henry) had put upon it. That, however, was not the object for which he had been returned



to the House, or which he should ever countenance. With regard to another matter—the land agitation—no doubt, great distress had existed in Ireland which was due to the visitation of God, aggravated, he admitted, by the very unjust condition of the land tenure in that country; but they had been told that those landlords who had held their hands and not pressed their tenants in time of distress might expect, if the harvest was good, to be repaid. He hoped that might be done; but the advice of the hon. Member for Tipperary was that no arrears of rent should be paid, and he now wished to know whether hon. Gentlemen opposite really desired that the Irish people should not pay their just debts? Hon. Gentlemen might easily, if they chose, repudiate that advice, and might remember the existence of many impoverished landlords who had done their best to help the people. He knew many of them who had not received any rent for the last 18 months, or two years; and his heart had bled for some who, formerly in a good position, had now come to great distress. The prospects of harvest were unusually good, and very good prices were obtained at the fairs for cattle; so that there was no excuse for pleading absolute inability to pay. At one of the “pattern” fairs near his residence the other day in Galway a meeting was held, at which the usual extreme resolutions were passed, and an American friend of the hon. Member for Tipperary made a very violent speech. His advice was very like that of the hon. Member, to pay no rent, although not a few of those who attended that fair had ample sums of money in their pockets. He (Mr. Mitchell Henry) was glad to say, however, from the testimony of independent witnesses, that not one-third of those present at the fair went to the land meeting, and that the person who expressed his disapproval of the course taken by himself and his Colleague in not joining the Land League had to run away from the indignation of his constituents. He had received a letter giving further particulars as to the meeting. From that communication it appeared that not one tenant of his own took part in the meeting, and that the fury of the populace at what was stated was prompted by the impulse of a grateful people who still had a spark of fair play left.

*Mr. Mitchell Henry*

He wished to preserve among Irish people a feeling of something like fair play to those who had practically proved their friends. He would ask those hon. Members, who, for the most part, had nothing to do with the land about which they talked so much, what would be their view of a doctrine laid down by hon. Gentlemen that debts owed to them should not be paid? What would hon. Members who wrote for newspapers say if there was a general strike against remunerating them for their leading articles? Or, if an hon. Member were engaged in a large bakery, or in any mercantile pursuit, what would he think of men advising his customers not to pay their debts? Why, would it not be regarded as an attempt to institute a gigantic injustice? Could they, then, advise the same course being pursued towards those long-suffering persons who, by the act of God, in the bad harvest had been deprived of the proceeds of their property. There were good Irish landlords as well as bad ones. The total amount of his own rents was very small, and in consequence of his mercantile occupations in this country it personally made less difference to him than to many others whether they were paid or not. But it would wound him to the quick if his tenants did not manifest an appreciation of the forbearance that had been shown to them. It was gratifying, therefore, to find that gratitude was not lost among the people of the West, even against the advice tendered by hon. Gentlemen opposite. Let there be an end to this farce, and let there be something like honesty. Let hon. Members say distinctly what they desired. Would the hon. Member opposite, when he went his rounds during the autumn, tell the tenants to fulfil their just obligations, and to pay some portion of their good harvest as rent to their long-suffering landlords? Did he think, as his notion of fairness in the matter, that no rent at all ought to be paid? [Mr. DILLON: No.] If the hon. Member meant that the tenants should pay rent, let him go farther, and say what he considered the measure of their obligation. Why, since he came back from America, the first words of the hon. Gentlemen were—“Hold your harvests; do not pay your just debts.” [Mr. DILLON: No, no!] Why, if he (Mr. Mitchell Henry), with ordinary

intelligence, so understood the words, how would the ordinary tenant understand them?

MR. DILLON: The hon. Member for Galway (Mr. Mitchell Henry) said I said—"Do not pay your just debts." I never used such words.

MR. MITCHELL HENRY, continuing, said, he did not pretend to use the exact words. Nothing could be more contemptible than a denial of this kind.

MR. SEXTON rose to Order. Was such an expression Parliamentary?

MR. SPEAKER: I did not observe anything in what the hon. Member for Galway (Mr. Mitchell Henry) said that was out of Order or of an un-Parliamentary character.

MR. MITCHELL HENRY said, he must repeat that the hon. Member had told the Irish people since his return from America to "hold the harvest," and in a speech which had been commented upon he told them not to pay any arrears of rent. Did the hon. Member mean to say that the arrears of rent, extending over the past 6, 12, or 18 months, were not just debts? If such was not his meaning, let him repudiate the meaning which had been attached to his words. With an adroitness which might be considered very skilful, but which was not very manly, the hon. Member also told the people that if cattle were put on certain lands they would not thrive very much. Now, what did the hon. Member intend the people to understand by that language? Did the hon. Member mean to recommend the mutilation of animals in order to spite their owners? Hon. Members who used language of doubtful import, and who just kept clear of the law, ill discharged their duties as Representatives of the Irish people in that House. Let the hon. Member do away with such ambiguous language, for cases of the mutilation of cattle or of their being driven into the sea were too common in Ireland. He (Mr. Mitchell Henry) trusted the Government would not be diverted from its policy, and he sincerely hoped that if individuals who ought to know better went about giving advice to the Irish tenants of a doubtful character, that something would be done to mark the sense which all right-minded people must have of those who put on others the responsibility they would not share. Nothing could be more distressing, after the Peace Preservation Acts

had been allowed to lapse, than that an endeavour should be made to show that Ireland was not prepared to abide by the ordinary law. But he believed the good sense of the Irish people would triumph over the bad advice which the hon. Member for Tipperary and other hon. Gentlemen had said they had intended to give them; and he trusted that when Parliament re-assembled in February, the Chief Secretary to the Lord Lieutenant might have the satisfaction of stating that, in spite of such bad advice, law and order had been preserved.

THE O'DONOGHUE said, he deplored and deprecated acts of cruelty; but the answer to the hon. Member for Galway (Mr. Mitchell Henry) was simply this—that the ham-stringing of cattle was nothing as compared with the atrocities accompanying the driving of people from their homes. Let the right hon. Gentleman the Chief Secretary for Ireland put an end to that, and then his humanity would be believed in. Irish farmers had agreed with the body of the Irish people that the eviction of tenants for non-payment of unfair rent—that was to say, rent arbitrarily fixed by the landlord, or rent that a tenant could not pay owing to the failure of his crops, was an act of unparalleled tyranny. Farmers had resolved to resist such eviction to the utmost of their power, and there was nothing sensible men could do that he (The Donoghue) was not prepared to do to support that resistance. For his own part, he agreed with every word of the speech of the hon. Member for Tipperary (Mr. Dillon). It was a fact that some 10,000, or, at the outside, 12,000 persons laid claim to the whole produce of the soil of Ireland, without regard to the fate of the occupiers, 600,000 in number, who, with their families, numbered some 3,000,000. Now, in the face of such a state of things as that, what right-thinking man could refrain from strong language? If the hon. Member for Tipperary had used the moderate language which went down in that House, he would have been unworthy of his position. It was not his hon. Friend who ought to feel ashamed in the present case; it was the Government, who were prepared to use the armed force of the country to maintain a law which permitted such a state of things to exist. In a word, the landlords, in his opinion, had no right to claim any rent which

they themselves had arbitrarily fixed; the fixing of rent ought to be, as the late Mr. Butt proposed it should be, a matter for arbitration.

SIR PATRICK O'BRIEN said, his hon. Friend (The O'Donoghue) must have forgotten the time when he himself was an Irish landlord. When his hon. Friend came forward and lent all the power of his eloquence in the endeavour to dissuade people from paying rent which he thought they had no right to pay, had he in his recollection the number of years during which he used to collect his rents in the Valley of Kenmare? Did he ever call the tenants together and ask them what they thought they ought to pay? He did not in those days preach the doctrine that no man ought to pay rent. [The O'DONOGHUE: Unfair rent.] Well, he adopted the term, and he would ask the hon. Member for Tralee, whether, when he collected his rents, he caused any inquiry to be made as to whether those rents were fair or not? If he did not, was it not too much that he should now come down to the House with the "high-falutin" and the *ad captandum* language he had held? [The O'DONOGHUE: No tenant of mine has ever been evicted or served with a notice to quit.] He was not speaking of evictions; he had merely asked a question as to the rent which the tenants of the hon. Member formerly paid. [The O'DONOGHUE: They are paying it still.] They might be paying it still, but not to the hon. Member. [The O'DONOGHUE: Yes.]

MR. SPEAKER requested the hon. Member who was in possession of the House to address the Chair.

SIR PATRICK O'BRIEN said, he recognized the justice of the correction, and would address himself directly to the question. He had not the honour to be personally acquainted with the hon. Member for Tipperary (Mr. Dillon), although he knew his respected father; but, without at all endorsing the hon. Member's statements, he could not help thinking that the word "cowardice" was not a becoming expression for the Chief Secretary for Ireland to apply to any Member of that House. The men of 1848, of whom the hon. Member's father was one, were not, at all events, lacking in courage. So much for the personal question. He now came to the question of the land. An accident made one man

a shoemaker, another a cabinetmaker, another an owner of land in Ireland. Why was the income of the latter suddenly to be cut off? Because the hon. Member for Cork City (Mr. Parnell) wanted to create for himself a political position, and found the cry of "No rent" the best means to that end. Now, how long was that humbug to continue? In 1848, and again in 1867 and 1868, there were friends of hon. Gentlemen who did not hesitate to ask his (Sir Patrick O'Brien's) humble assistance with the Government of the day to save those people from the position in which their follies had placed them, and he could only offer his humble mediation. Isolated outrages might lead, if not stopped, to greater and more frequent outrages, and the effect might be to induce persons, who he hoped would never lose their quality of humaneness, to endeavour to suppress with an iron hand such a state of things. Then, what would occur? The Americans would go back in the Inman or Cunard steamers with their pockets full of—not the dollars which they came over with, but the sovereigns they had exchanged them for. The populace of Ireland would be left behind with feelings of disdain; the visitors would say—"We never expected to have to lead such a lot of fellows as you. We thought that we should have had such men as we meet upon Broadway in a good row. You are not fit comrades for us, and we leave you to your fate." The Representatives of Ireland would have to come again to the House of Commons to endeavour to do what he (Sir Patrick O'Brien) himself had been trying to effect by his humble efforts, and what had been attempted by men of greater ability—to ameliorate the condition of the Irish farmer, and to reform those landlords who had trampled upon the farmers for 300 years. The answer such true efforts would probably get was that which had been made to some of the Irish Representatives already—namely, that such and such a person, although he might have been in Parliament for 20 or 30 years, was only looking for a place, and had been all his life looking for a place, just as the hon. Gentleman who represented *The Nation* newspaper, and his Colleague beside him, who wrote the leading articles, had been pursuing and blackguarding him (Sir Patrick

O'Brien). Next some wild scheme was advertised, and articles were written in the Irish papers to remedy all the ills of Ireland. He was there to protest against that kind of thing in common with his hon. Friend the Member for Galway (Mr. Mitchell Henry), who, he dared say, would be called a Whig. Every man had his ambition. The hon. Member for Cork City had his. He would ask the hon. Member, whose ability had been recognized very soon after he had entered the House, to look at the state of society now in Ireland—to look at the condition of things, which included the presence of a number of men who had accompanied him in the steamer over here, over whom he had no control, and who were fighting for their own hand, and working on their own hook. The hon. Member bore a name which was adored among those who had read anything of Irish history. But if Sir Henry Parnell had lived till this time, would he have lent himself to what would lead to a state of revolution and savagery? He, for one, was opposed to the hon. Member. He (Sir Patrick O'Brien) knew well there were many parts of Ireland where, the morning or two after his making these few observations, he would be treated after the manner of what the French called a "charivari." But he knew well who had been great patriots, who had been great Irishmen, and who had been after a while forgotten by Ireland. He had one consolation—in the many times on which he had spoken in that House, or out of it, or wherever he had endeavoured to express his opinions, he had never attempted to catch the public favour by jumps, and he had always maintained one class of opinion which he would never desert. He had risen on that occasion to say what he honestly thought—namely, that, in his own judgment, if this agitation went on, it was not the landlords who would suffer—though they might for a time—but the people that would eventually lose would be the wives and children of those who had been sold by these American adventurers to whom he had referred.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. FINIGAN said, he thought the House was deeply indebted to the hon.

Baronet the Member for King's County (Sir Patrick O'Brien) for the very facetious speech he had made. He failed, however, to see that personalities could alter the composition of hon. Members of that House. Under the Constitution every hon. Member, whether he owed his position to the accident of birth or to his own energies, was equal to the rest; and, therefore, it was a very great piece of folly for any hon. Member to indulge in such personalities as they had heard. Somewhat too much had been made out of this alleged treasonable speech of his hon. Friend the Member for Tipperary; or if the charge of treason had not actually been brought against it, some charges very nearly as grave had been made. He had copied from *The Times* all the indictments brought against his hon. Friend by the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot). He would deal with the indictment thus brought against his hon. Friend the Member for Tipperary. His hon. Friend had been attacked because he advocated organization among the Irish farmers. What harm was there in his hon. Friend's exhortations to unity and organization? If they had organization, they must have sections and sub-sections. Why should not the Irish tenants do what had been done for political purposes at Birmingham and other great towns in England? His hon. Friend (Mr. Dillon) simply asked the Irish people, if they wanted to organize, to get two active young men whose moral character would bear investigation, whose courage was undoubted, and whose principles were in accord with those of the people generally, to advocate the cause which they had at heart. Why should they not do in Ireland what had been done in Birmingham, Manchester, and Liverpool, and which the friends of the Premier of England did in Mid Lothian? Therefore, the accusation brought against his hon. Friend was not justifiable, since the advice he had offered was reasonable, consistent with the Constitution, and logical. He wished the principles of his hon. Friend to succeed; and the characters of his hon. Friend and those who were associated with him would bear investigation. There was nothing wrong, he repeated, in the doctrines advocated by his hon. Friend. Let the Irish help those who would help them. Let them do

nothing for those who had done nothing for them. It might be un-Christian and unworthy to adopt a different course; but it was a sound political doctrine to help those who gave help in return. His hon. Friend had really only preached what had been practised in England. The people of Ireland had too long helped those who had not helped them; and from various causes they were suffering, especially from the operation of unjust laws. The present was a time of great need for them—a time when they required help; and, therefore, he held that it was a moment when it was more than logical—it was statesmanlike—to interfere between landlord and tenant with a view to adjusting their differences on a basis of justice to both. His hon. Friend held that if a man was evicted, the people were to call a meeting to denounce the landlord. It was a recognized principle to call meetings to discuss grievances. It had been admitted by the Government that, in that time of distress, the law of eviction pressed unjustly on the unfortunate tenant, and that doctrine had been embodied in the Compensation for Disturbance (Ireland) Bill, which, at any rate, had passed the House of Commons, though it had been rejected in the House of Lords. Therefore, what wrong could there be for a peasant or a townsman, from a legal or Constitutional point of view, in advocating principles the truth of which had been acknowledged by Ministers and by the right hon. and learned Gentleman the Attorney General for Ireland? No one could deny that the Irish tenants were anxious to pay as much rent as they could. But there was an unwritten law that was higher than any written law—a right which belonged to every class and nationality—to unite together in their own interest. The law was not morally binding unless it was a just law. No man was bound under any law to starve himself and his children in order to give his landlord rent. But as much as he thought he could conscientiously give, the tenant was bound to give to the landlord for rent, and no more. His hon. Friend had said that he would not let a man unjustly evicted starve. What harm was there in that? The Land League was only doing what the Government ought to have done. But for the efforts of the Land League, the distress would have been infinitely worse than it

*Mr. Finigan*

was, and men might have had recourse to conduct dictated by the wild spirit of revenge. The money sent from America, and collected there by the hon. Member for the City of Cork (Mr. Parnell), was remitted, not to pay rent, but to give relief to the poor, to feed the hungry, to clothe the naked, and to find homes for the homeless at a time when the House of Commons, professing to take a paternal interest in Ireland, meted out a few thousand pounds for the starving when it was voting away millions for war. He, therefore, failed to see any reason for applying to his hon. Friend (Mr. Dillon) that epithet of "coward." The hon. Member for Tipperary also said—

"That it would be the duty of the organization to tell how many men could march to a meeting, and that they should march like a regiment of soldiers."

For his own part, he (Mr. Finigan) was sorry that the people of Ireland could not imitate the people of Liverpool and Birmingham in 1832, when they put rifles on their shoulders and threatened to march to London, unless that miserable place called "the other place" passed the Reform Bill. As a consequence, the Reform Bill of 1832 was passed, because Parliament gave way to force, not to principle. If, in the organization referred to, military terms and phrases were employed, it was because the Government had set the example. The terms companies and regiments were equivalent to sub-sections of larger bodies, formerly a natural organization. In the Army there were many Irishmen who had ever been "*semper et ubique fideles*." But in the Army they were treated on the same basis as the English and the Scotch. With the peasantry it was different. They were treated as people from whom as much blood in the shape of money as could be drawn must be got for the landlords. The law gave the English peasant a right to six months' notice before eviction; but no time was allowed to an Irishman. The law affecting Ireland had been a tyrannical law, passed in the interest of a class, and had driven the people to feel distrust of anything in the form of law. He contended that his hon. Friend was acting within the Constitution, which must be a reflex of the opinions of the people for whom it was framed; and if it was not such a reflex, it ought to be struck by every power in the

hands of the people in Ireland, and of Members in the House of Commons. For his own part, he belonged to the new school, to which the Premier had belonged, to which he once thought the Chief Secretary for Ireland belonged, and certainly of which the President of the Board of Trade was a member—that school which agitated, organized, and claimed a free expression of opinion, in order that it might safeguard the rights of the people and enlighten them. They had a right to go to the very brink of the Constitution in advocating their views. The Constitution in Ireland was represented by the bayonet, the sword, the musket, and the camp. The people of Ireland were loyal to God, truth, and justice; but when injustice was meted out to them, they could not be loyal, and they were within their right to agitate and organize. He believed they were right in agitating and organizing; and if the landlords persisted in resisting justice, and refused to moderate their claims for rent, they would ask the people to strike against rent and pay no more. He endorsed the sentiments expressed by the hon. Member for Tipperary (Mr. Dillon). Ever since the accursed Act of Union the Irish people had been asking for justice, and yet they had obtained nothing from the spirit of justice. The few little points they had gained had been won by Parliamentary action and outside agitation. He should be the first to ask the people to march in military array, and, if the law allowed it, to put rifles on their shoulders, as they had done on a former occasion. The Irish people could not be loyal to wrong and injustice. They could only be loyal to the Constitution so long as that Constitution gave them the rights which were their due. The Government could not starve the people; but sooner than that, they would have to tax the landlords to provide the people with food and clothing. The first principle in English law was that the land belonged to the State; but the landlords had gradually eluded the trust on which they first secured the land, and instead of maintaining the Army and Navy, they had placed the taxes necessary for that purpose on the people. The people of England really had the same grievance on the Land Question as the Irish people; and if the English people were

only rack-rented, evicted, and tyrannized over, they would rise and strike down their masters—the landlords and nobility. There could, therefore, be nothing wrong, he contended, on the part of the Irish Members in preaching that which English Members had so long practised. He perfectly agreed with his hon. Friend the Member for Tipperary in all that he had said, and he only regretted that Ireland was not in a position to resist the Armies of England under the Constitution. They could, however, resist the conversion of Ireland into a Bulgaria and a great camp. The Government might make Ireland a desert, but they would never conquer the Irish race. He was surprised that an English Minister had charged a Member of the House, in his absence, with cowardice; but he attributed it to age. ["Oh, oh!"] Well, he was saying nothing he should not be prepared to say anywhere out of the House. There was no misconception on the part of the Irish Members as to what the policy of the Government was; but there was a terrible mistake made as to what the Irish were going to do. They were not going to rise in rebellion, either to suit the Government, or the enemies of Ireland; but they were going to organize and agitate. Driven, as the Irish people were, into opposition to the law, no man could say what was the best mode of settling their difficulties until they had had an honourable pronouncement from the Government as to their intentions. They were told that peace and order would be preserved. Peace and order could be best preserved by peaceful and orderly means; but if the Irish were told that peace could only be kept by the sword and the musket, it was a bad sign, because the Irish would resist. If the Government forced Irishmen to hold illegal meetings and incited them to resistance, the responsibility must rest on the Government. If the day should come when the people were found in violent hostility, there were Members of that House who would meet the Government with force to force.

Mr. O'DONNELL said, he would at once fully concede to the Government that in the land agitation there was much speaking that could not be defended. He believed in the maxim of Mr. O'Connell, that "whoever committed a crime gave strength to the enemy." He had not shrunk from ex-

pressing his disapproval of some of the programmes put out by the agitators, and it was the duty of Irish Members not only to expose the evils under which the tenants suffered, but also to press on the tenants the proper means of resisting; but the strong language used at land meetings did not absolve the Government from the duty of distinguishing between what was just and reasonable as against that which was unjust and unreasonable. While there had been much of exaggeration in the speeches made at Land League meetings in Ireland, he could not admit such exaggerations as an excuse for the Government in neglecting to deal with the grievances which no one could say did not exist. He had confidence in the good intentions of the right hon. Gentleman the Chief Secretary to the Lord Lieutenant, and he believed the people of Ireland had the same feeling; but he could not think that his Colleagues were standing loyally by the Chief Secretary, any more than he could admit that the Government, as a whole, were dealing in any other than a most foul manner with the people of Ireland. They were delaying the Session for Bills which were of trifling importance compared with settling the state of Ireland. The Prime Minister said they were within a measurable distance of civil war in Ireland. Yet, in the face of that, nothing was to be done for Ireland. He was convinced that the Chief Secretary for Ireland would endeavour to put an end to the unendurable state of affairs, if his Colleagues would let him. The Government were pottering and tinkering with measures of minor importance, and throwing all the responsibility on the right hon. Gentleman of preserving peace in Ireland, where peace could not possibly be kept under present circumstances. They were told to wait until next year before a measure could be introduced to save the people. They did expect from the Government that they would not place the Chief Secretary for Ireland in a false and hopeless position. The right hon. Gentleman would be a failure as an Irish statesman, and have to give up the practice of his Liberal principles to rule Ireland with Tory weapons. They found the Chief Secretary for Ireland admitting the possibility of calling a special Session for passing coercive laws for Ireland; but

they did not take a single step to aid him in his responsibility, or to aid him in carrying the impossible burden they were laying on his shoulders. If the right hon. Gentleman broke down, the responsibility would rest on the Government, from the Prime Minister to the most unpretentious Under Secretary. The Land League was a vast trade union. What the trade unions did for the English working classes, the Land League would have to do for the Irish peasants. There could be no reason why the Irish tenants should not be entitled to form themselves into an organization similar to the trades unions in this country. So far as he could see, the chief aggravation of the tenants' condition in Ireland was that so soon as a tenant was evicted there was someone else, no matter what the terms might be, ready to take his place at an even higher rent, so putting a premium upon eviction. To prevent that they must have a trades union. The only way to put down the landgrabbers was by organizing public opinion in Ireland, so that an evicting landlord, if he did evict, should have a barren farm, instead of a fairly cultivated one. He deplored many of the proceedings of the Land League in Ireland, but they were only the inevitable exaggerations of an enormous popular movement; and what he said was, that if they wanted to get rid of these exaggerations, they must remove the cause of their occurrence. They had had such exaggerations in all their English movements, and the blood of English public life was never cleared of them until the Government of the day laid the axe of needful reform to the root of the existing evil. In the same way, they would have the evils of Chartism and of Luddism in the Irish agrarian movement, until they removed the evils which necessitated that Irish land agitation. So far as Ireland was concerned, great responsibility rested upon them all. They knew that acts of illegality would be committed. The movement in Ireland, of which so much had been said, had been organized to meet an unendurable evil; but to meet the evil effectually law must come a little nearer to justice than it stood at present. The right hon. Gentleman the Chief Secretary for Ireland had expressed his indignation at the evil counsels offered <sup>from time to time</sup> to the

Irish people. He did not know whether the time was not at hand when the right hon. Gentleman would feel himself compelled to say to his Colleagues in the Cabinet—"You have no right to place me in an untenable position. You have no right to ask me to solve problems that are capable of no solution, unless you place in my hands the means of solving them. If you refuse to do so, then, for my own sake, and for the sake of my reputation, I must retire from the Cabinet." If the evils which the Government admitted to exist when they brought in their Compensation for Disturbance (Ireland) Bill still existed, then, he said, the position taken up by the Chief Secretary for Ireland was hardly tenable; because if that Bill was thrown out by the House of Lords, that was no excuse for the Government not bringing in another measure, which would be free from the defects of their first Bill, and at the same time afford protection to the Irish tenantry. Was that the way the Government were acting to pacify Ireland? He was no friend of exaggerated measures; but he was only doing his duty, not only to his Irish constituents, but to the English Liberal Party, in pointing out that if the Government were right in their condemnation of the methods of the Land League, the condemnation fell upon their own heads with ten-fold force as long as they refused to deal with the question. Did the Government believe their own words? Did they believe that Ireland was in a condition that required instant remedy? If they did not believe their own words, then they had no right to use them. If the necessity did exist for the Compensation for Disturbance (Ireland) Bill, or some other measure with a similar object, the Government was not absolved from its duty of governing Ireland by the mere fact that the House of Lords had thrown out the Bill which the Government introduced. The position of the Government was absolutely indefensible, if, after the warning they had received, the Government allowed bloodshed to take place which now they might, by a timely measure, prevent. He repeated that the Premier had warned them that they were within a measurable distance of civil war. Nothing could absolve the Government from allowing the country to drift into such a war. The hon. and

gallant Member for Galway (Major Nolan) had a very moderate measure before the House. Did the Government mean to support that measure, or had they a single Bill of their own to avert the possibly awful doings which might occur between the present time and the next Session of Parliament? What was to become of the Irish peasantry while the Government were preparing their measures? What was to become of men in whose ears incendiary counsels were ringing? Were they to be dealt with by repressive measures only? If so, the Government were treating the people of Ireland as the Turk treated the Bulgarians—making them promises for the future. The great question was the Irish Question, and they all knew it. Did they want an insurrection in Ireland? He believed they did not; but they were doing their very best to produce one, for if the people of that country were not protected, they would be driven to protect themselves. The House knew how in American cities Irish men and women were fallen and sunk, who, had they been afforded a fair opportunity of living in their native land, would have been an honour and a pride to Ireland. Yet, now, writers and flippant correspondents in *The Times* from many of those towns sneered at the drunkenness and degradation which prevailed among those poor people, for they must record them for the sake of ministering to Saxon self-complacency. English rule threw them ignorant, impoverished, and unprotected on the shelter of a foreign shore, and still held them responsible for the disgrace which in many cases his unfortunate countrymen so situated brought upon the Irish race. He read the other day a speech of a noble Lord who, as his contribution towards the solution of the problem of Irish distress, compared the wretched people to wild beasts. He could only wish that a transformation could be effected, and that noble Lords and their offspring had, for a short time, an experience of the mud and slush and misery in which these poor people lived. They would not then, perhaps, be so ready to indulge in such comparisons. He would, in conclusion, beg the Government, collectively, for it would be scarcely fair to address himself entirely to the unfortunate Chief Secretary for Ireland, to take the neces-



sary measures to meet the terrible crisis in that country.

THE MARQUESS OF HARTINGTON: Sir, I think it is time I should rise to ask the House to consider for one moment the position in which we now stand. This is not, or it ought not to be, a debate on the state of Ireland. There is no question before the House which raises that issue, and I must decline, upon the present occasion, on an issue so raised, to enter upon any discussion whatsoever as to the conduct of the Government with regard to Ireland, either in reference to matters of administration or legislation. The hon. Gentleman who has just sat down (Mr. O'Donnell), and others who have preceded him, have gone at considerable length into a discussion of the agrarian question in connection with Ireland, and they have passed a great many strictures on the conduct of the Government and of Parliament with respect to that question. My right hon. Friend has admitted that the difficulties with which the Government have to contend in dealing with Ireland at the present moment are great, and that those difficulties have been increased—I frankly admit it—by the action of the House of Lords in rejecting a Bill the passing of which would, in our opinion, have greatly facilitated the government of Ireland. The difficulties under which we labour, however, will not be diminished; but, on the contrary, they will be considerably increased, if Irish Members will insist in bringing on discussions of an irregular nature such as this, and so attempting to force from the Government a declaration as to the policy which they will pursue in circumstances which at present are not strictly defined. We have heard from all parts of the House—and the anticipation may, I hope, be realized—that there is in store for Ireland this year the blessing of a good harvest. If that be so, many of the difficulties which we see, and which several hon. Members opposite seem disposed to paint in so much darker colours than we do, will disappear. A tribute, and nothing but a just tribute, has been paid to the wish of the Government, and, above all, of my right hon. Friend the Chief Secretary for Ireland, to bring forward measures for the removal of any grievances under which the Irish occupier may be at the present moment suffering. It is, however, ad-

mitted that the Government cannot be expected in the present Session to introduce a large measure dealing with that most complicated and difficult subject; and I do not know what useful object hon. Gentlemen opposite think can be attained by a declaration of policy on the part of the Government which can be properly given only when some measure is laid before Parliament for its consideration. I have said this debate is not in any sense, and ought not to have become, a debate on the condition of Ireland. It arose out of a personal explanation which was made by the hon. Member for Tipperary (Mr. Dillon), and that hon. Gentleman was perfectly justified, in my opinion, in calling attention to the strictures which were on a former occasion passed upon his speech. The House is always willing to grant indulgence in a case of that kind to one of its Members, and it has done so in this case; and I think, after the reply of my right hon. Friend, the debate ought long since to have ended. But the debate ought, I think, to have been confined to the question which was thus raised. As to the explanation given by the hon. Gentleman, it does not seem to me necessary that I should trouble the House at any length by giving my opinion upon it. I concur with my right hon. Friend near me (Mr. W. E. Forster) in thinking that the explanation is not calculated greatly to modify the impression which was produced on the great majority of the Members of the House when the speech of the hon. Gentleman was first brought under their notice, or the general feeling with which the remarks of my right hon. Friend upon it were received. After the explanation of the hon. Member to-night, I cannot see in the speech anything but an appeal, and that an appeal very slightly veiled, to the Irish people to resort to physical force for the redress of their grievances; and whatever may be our opinion as to the moral responsibility incurred by men who counsel an excitable people to use physical force, I feel that one condition must be sacrificed before any speaker can be acquitted of such moral responsibility, and that condition is that he who addresses language of that sort to an excitable people should show himself to be willing to take the responsibility of that language, and to bear his share in the risk they may run while acting on his

advice. Now, it does not appear to me that the hon. Gentleman, or those who defended his conduct this night, are willing to incur that risk; they rather seem disposed carefully to abstain from doing anything which may bring them within the meshes of the law; while their omissions in that respect might be easily supplied by the audiences to whom such speeches are addressed. But, be that as it may, the speech of the hon. Member has, I think, been sufficiently commented upon; and I think the House would do well to put a stop to this discussion, which, it seems to me, can have no practical result, and to devote itself to the Business which is before it. The House will remember that we have for consideration to-night subjects of great practical importance in connection with the administration of Ireland to discuss. The Irish Estimates have been, with the assent of hon. Members from Ireland, placed upon the Paper for to-day, and I cannot help thinking that it would be well to devote ourselves forthwith to that Business, and to refrain from continuing any longer a discussion which, in my opinion, can have no practical end.

Dr. COMMINS said, he had expected that some Member of the Government would have offered an excuse for the language used by the Chief Secretary for Ireland towards the hon. Member for Tipperary (Mr. Dillon). The hon. Member was really on his trial before the Irish people, and not a single Member of the Government had attempted to justify the right hon. Gentleman's language. The noble Lord (the Marquess of Hartington) complained of the House having drifted into a general discussion on the condition of Ireland; but he forgot that the speech which the hon. Member for Tipperary delivered in Kildare arose out of the condition of Ireland. The Chief Secretary for Ireland had, by his language, damaged the cause of the Government, and of that justice which he was always professing to have so much at heart. It would, perhaps, be well if the right hon. Gentleman indulged in a little less profession and a little more practice. He (Dr. Commins) looked with some suspicion on a man who was always brandishing his conscience in his face. He looked to people's actions, and not to their professions of conscience. They had heard a great deal of maudlin sentimentality, and of mock humanity, that

night about certain houghings of brute beasts in the West of Ireland, but not much sentiment or humanity with respect to human beings. He not did approve of cutting the legs of poor brutes, but still less did he approve of the conduct of people who, as the right hon. Gentleman himself had said, would, by repetition of it, draw on themselves the execrations of all right-minded men. And yet that conduct had been going on ever since the right hon. Gentleman had used that expression. The crowbar brigade had been abroad doing its work, levelling the cottage and turning out the wretched inhabitants into still worse misery. These were the things which caused expressions to be used which could not always be justified on grounds of strict logic; but in no country had people confined themselves in the expression of their feelings to language suitable to a deliberative Assembly. But, supposing that some excesses of language had been committed, they knew how wide the law of sedition was—how big the net, and how small the meshes. They knew how the right hon. and learned Gentleman the Attorney General for Ireland, with a clever Crown prosecutor and a carefully-selected jury, could secure a conviction. The right hon. Gentleman said that the language of the hon. Member for Tipperary was seditious. If so, the right hon. Gentleman shrank from his duty in declining to prosecute him. The position of the Government in Ireland, therefore, was one of failure, for, although the right hon. Gentleman had the hardihood to accuse the hon. Member for Tipperary of breaking the law, he had not the courage to prosecute the hon. Gentleman. The right hon. Gentleman had backed out of the language which he used in a way not very candid; for, while stating that he did not mean to call the hon. Member a coward, he said that the hon. Member's cowardice was equal to his wickedness. What did the right hon. Gentleman mean by mentioning cowardice in connection with the hon. Member for Tipperary? He meant an insult. He had given no apology for that insult. But was a man a coward who used language which subjected him to all the amenities of a State prosecution in Ireland, or was it not rather the man who, from the safe cover of the Treasury Bench, indulged in language which he dared not

employ in the Lobby, much less in the street? He did not agree with the hon. Member for Tipperary in all that he had said; but such language was not to be weighed in golden scales. He regretted what the Chief Secretary for Ireland had done. He believed there were men in the Cabinet who would do all they could to redress the wrongs of Ireland; but they must put a bridle on the tongue of the right hon. Gentleman, or all their good intentions and efforts would be marred. The people of Ireland were only kept by the hope of some beneficial legislation from that civil war of which, as the Prime Minister had said, they were within measurable distance; but if their demands were to be met with buck-shot and insult, the consequences must be upon the heads of the Government responsible for both.

MR. BYRNE said, he yielded to no one in respect for the character of the right hon. Gentleman the Chief Secretary for Ireland, and for his services to that country in the past. He admired his anxiety to benefit the Irish people, his kindness, his candour, his firmness, and his sympathy; but, nevertheless, he thought that the language the right hon. Gentleman had used towards the hon. Member for Tipperary (Mr. Dillon) was neither wise, moderate, nor statesmanlike. In fact, it was highly improper and impolitic for one in his lofty position. He did not agree with the noble Lord, the temporary Leader of the House (the Marquess of Hartington), that there was no necessity for the present debate, the condition of Ireland being such that it was the duty of hon. Members like himself, who represented Ireland first and England secondly, to do what they could to obtain justice for Ireland; and they would not be justified if they missed the smallest opportunity of calling attention to it, and demanding a remedy. The people of Ireland were tired of threats of the bayonet and the musket, which had been made so often that they did not really appreciate them. If ever there was a time when conciliation towards Ireland was needed it was the present; and he trusted that the recent conduct of the Chief Secretary for Ireland was not a sign that the Government had abandoned the policy of conciliation. As for the landlords of Ireland, he did not say, and never had said, that they were all bad. There

were, no doubt, good men among them; but the landlords of the past had been as improvident as the tenants of the past, and all parties needed remedial legislation. He was afraid, however, that that House would never be able to supply the remedy needed. With regard to the rejection of the Compensation for Disturbance (Ireland) Bill by the House of Lords, he remarked that the Upper Chamber might well be called the "House of Landlords," and he for one objected to the mode in which they got there. He would much prefer their election by ballot. He feared that, hitherto, the Government, in their anxiety to appear respectable in the eyes of what was called society, had governed Ireland on the principle that "Caesar's wife should be above suspicion;" but they ought rather to adopt the motto, "Be just, and fear not." The House had done many things for the landlords, and it was now time for the Government to promise distinctly to do something for the tenants, even at that late period of the Session.

MR. T. D. SULLIVAN said, he was sorry that the Chief Secretary for Ireland had not taken the honourable and manly course of withdrawing his offensive and unfounded statement respecting the hon. Member for Tipperary (Mr. Dillon). In not doing so, he had allowed to rankle in the minds of the people a gross insult upon an honourable man. As for the conduct of the Government towards Ireland generally, it encouraged the landlords to continue their oppression, for when they said they meant to enforce the laws of Ireland, with what face could they ask landlords to forego the rights which those laws gave them? He had heard a great deal about honesty and humanity from hon. Gentlemen who sat on the Ministerial side of the House, and who seemed to pretend to a monopoly of those fine qualities. Could they not conceive for a moment that it was a feeling of humanity that induced the bulk of Irish Members to take the stand which they did take. It was no pleasure to be unpopular in that House, and was only done at the imperative call of duty. He appealed to the House to remember that on that side of the House, as on the other, there were men of honour and humanity, whose feelings were naturally inflamed by recent events. Why should not Irishmen keep step and march to their meetings to ex-

press their views as well as Englishmen? Some horror had been expressed at an allusion to 100,000 Irish swords leaping from their scabbards; but he failed to see why anybody's soul should be harrowed up by an allusion to a simple fact in Irish history. The cry of "law and order" had been used to back up every iniquity that had been perpetrated in Ireland. There was never a period of suffering in Ireland so great that the cry of law and order was not raised against the Irish people, whenever they raised their heads against it. With regard to the charge which had been made against the hon. Member for Tipperary of ingeniously framing his language so as to protect himself, he (Mr. T. D. Sullivan) knew the man too well to imagine that he would do anything of the sort. He believed that his hon. Friend had spoken fearlessly and boldly; and, if he had overstepped the limit of the law, he was ready to abide by it. No doubt, it was hoped that the Irish Members would be betrayed into seditious language. At all events, they would have the courage of their convictions; they would judge their own course, and, when they had resolved what that course should be, they would fearlessly and faithfully act up to it.

Mr. BARRY said, that he deemed it his duty to express his opinion as to the language used by his hon. Friend the Member for Tipperary (Mr. Dillon). It was language of which he most heartily approved, and he endorsed it in every particular. He should take every opportunity he could of addressing the Irish people, and he should enforce and urge upon them the admirable advice given at Kildare by the hon. Member for Tipperary. Was it cowardly to call upon the people to agitate against unjust laws? Such language was perfectly justifiable; and he would incidentally mention the fact that much stronger language had been used by English speakers on English questions, and that no action had been taken by the English Ministers on the subject. He thought his hon. Friend had a right to expect some explanation from the Chief Secretary for Ireland. They had been told by the Prime Minister that Ireland was within a measurable distance from civil war; and yet, when the Compensation for Disturbance (Ireland) Bill was thrown out in "another place," the Government,

instead of devising measures of justice to Ireland, sent out an additional military force. The right hon. Gentleman the Chief Secretary for Ireland alternately used entreaty and threat; but both systems had failed. He repeated that he should lose no opportunity of addressing his countrymen, and urging upon them the admirable advice of his hon. Friend the Member for Tipperary. When the Government fell back upon the old alternative, so often tried with the same result, when their efforts failed to carry their Bill—the old theory of bayonets and bullets—then they must expect that Irish Members, despite the right hon. Gentleman's stream of entreaty one day and torrent of threats the next, would speak out loudly, as the hon. Member for Tipperary had done.

Mr. BIGGAR said, that he had had no evidence of the good intentions of the right hon. Gentleman the Chief Secretary for Ireland, of which they were always being told. The unfortunate position of Ireland had always been that those who managed her affairs in Parliament knew nothing of the country or its inhabitants. The same ignorance might be said to prevail with regard to the speech of the hon. Member for Tipperary (Mr. Dillon), which had been so much complained of, for it had been represented in quite a different way from that in which the hon. Member had intended it. It was really not such bad advice, after all, that rent should not be paid for land, because it was unjust that landlords should insist on getting the full rent for land at a time when it was worth nothing at all. It was not intended that the recommendation should be taken in a literal sense; but the advice had some reference to the character; and where rents were unreasonably high, the advice was justified by the facts of the case, because the absolute ruin of the tenants would be a greater evil than the loss that would otherwise fall on the tenants. Another objection had been taken to the speech of his hon. Friend, which was that he had urged the people of Ireland willingly to submit to eviction, and suggested that pressure should be brought to bear upon others to keep them from taking farms from which tenants had been unjustly evicted. Now, he could not help thinking that that was advice which the hon. Member was thoroughly justified in recommending.

Turkey was the only country in the world which could compare with Ireland in the unfairness and misgovernment in the land system. There was more guilt in driving tenants out to starve than there was in the maiming of cattle; and the dishonest landlord was far more vicious and wicked, and less entitled to consideration, than were the wicked people who maimed the cattle. It was very good advice to the people to organize, because organization facilitated the holding of orderly mass meetings; and he thought it was a very desirable thing for Ireland, even in an electioneering point of view, as the popular candidates could be elected under much more favourable circumstances than they could under the old system. It was not the object of the Land League to take the land from the owners without paying for it, although much of it had been obtained by fraud or conquest; but what the League advocated was that the landlords should be compelled to sell to the occupiers at a fair and reasonable price. His hon. Friend did not advocate physical force; but it was quite as well that the people should show that they were strong and well armed. On the whole, he thought the advice given by his hon. Friend was good advice, and he should take care to advocate it on the platform in Ireland, as he had done in that House.

MR. SEXTON thought the debate had logically brought the House to a consideration of the Irish Land Question. If the Government considered that any time had been wasted that evening, it was only the first of the penalties which they were called upon to pay for the rhetoric indulged in by the right hon. Gentleman the Chief Secretary for Ireland. If the right hon. Gentleman had maintained a more careful guard over his language, it would not have been necessary to enter upon the debate at all; while, as to the second penalty, in the speeches which the Government had had successively to listen to from Irish Representatives rising in their place, and adopting the sentiments that had been expressed by his hon. Friend the Member for Tipperary (Mr. Dillon), there might be said to be a unanimous verdict on the part of the whole Irish people in favour of that hon. Member. Everyone who had looked with interest to the advent of the right hon. Gentleman to the post of Chief Secretary for Ireland must have felt

grieved and disappointed that he had that night adhered to the language he had previously used. It was a strange interpretation of the speech delivered at Kildare to call it wicked and cowardly; and if the Government had taken the trouble to inquire at all into the career of the man whose character they were thus pronouncing on, they must have hesitated before applying to him such epithets. As his hon. Friend would not in public or private utter one word, especially before an assemblage of his fellow-countrymen, which he did not, in his heart and soul, believe to be true, and just, and necessary for the guidance of the national cause, he (Mr. Sexton) did not see how he could by any rendering be accounted wicked. According to the logic of the Government, if any hon. Gentleman now wished to keep clear of imputations of wickedness and cowardice, he must not only refrain from addressing the Irish people from a platform, but must also provide the Government with a jury for convicting him. The hon. Member for Tipperary was not to be called upon to provide a jury; that was for the Government to do. If they were ready for him, he was ready for them. The cowardice really lay on the side of the Government. Why did they not bring the hon. Member to trial? They knew they could not find 12 men to go into a box and convict a man on such a charge. To what had been said by hon. Members that night, he would add that they would not be deterred, by any epithet that the ingenuity or eloquence of the Treasury Bench could supply, from doing, in the course of the coming autumn and winter, what they considered to be their duty by their own people. Already it was becoming obvious that the counsels delivered some time ago by the right hon. Gentleman to the landlords might as well not have been spoken. He had received that morning an Irish country paper which contained under the head of the last Board of Guardians the word "evictions" printed in large letters, and which showed what intentions were held by the landlords in Ireland. In 1847, the Irish people had perished in multitudes, and had fled across the Atlantic to America; but it was not to be expected that the Irish Representatives were going, at the present period, to advise them to tamely submit to the harsh enforcements of the

law. Should these harsh measures be persisted in, he and his hon. Friends around him would encourage the people to resist by means of organization, and by every other constitutional method in their power. They would exert themselves to show to the landlords of the country, and to that House, that the present system of the land laws in Ireland could not be maintained, and that the people would stand up at last for their great natural, unalterable right to live in a manner consonant with civilization and freedom, by honest toil in their own country.

MR. JUSTIN M'CARTHY said, he did not concur in all that had been said by his hon. Friend the Member for Tipperary (Mr. Dillon) in the speech to which reference had been so often made. That was a speech such as he (Mr. Justin M'Carthy) would not himself have delivered; but none the less did he feel bound to protest against the unmeaning extravagance and inappropriateness of the language applied to it by the right hon. Gentleman the Chief Secretary for Ireland. One reason why he did not agree with his hon. Friend in all that he had said was that he (Mr. Justin M'Carthy), for one, still believed in the possibility of obtaining redress for the wrongs of Ireland from that House. Had it not been for that belief, however, it was not improbable that he should have made a somewhat similar speech to that made by the hon. Member for Tipperary, whose advice to his fellow-countrymen was evidently inspired by despair of any remedy ever being afforded by the Legislature. The question was, did his hon. Friend's speech deserve the epithets of cowardly and wicked? They knew it was neither wicked nor cowardly. What was the speech after all? He maintained that the combination to which the Irish people were invited in that exhortation was only a gigantic counterpart of those which, under the name of trades unions, had long existed in England. That was the head and front of his hon. Friend's offending. His hon. Friend thought the tenants ought to bind each other not to pay more than a certain fixed amount to the landlords. That was the principle of the trades associations of this country—not to work below a certain amount of wages. He was sorry that the right hon. Gentleman had thought it right to indulge in the epithets he had

used towards the hon. Member for Tipperary. What possible good had those epithets produced—what possible good could they have produced? Did the right hon. Gentleman think they would influence the Irish people, or that they would have the effect of convincing anyone in Ireland that the hon. Member was either a wicked person or a coward? They might have been applied with equal justice to many other men of intelligence and integrity who devoted themselves to the benefit of their country. He could not help thinking that the problem of how to ameliorate the condition of the Irish tenant farmer was far more worthy of the right hon. Gentleman's attention than the invention and application of such inappropriate and extravagant epithets. When hon. Gentlemen of honour and undoubted intelligence came down, and not only defended, but actually adopted, the language which had been reprobated by the Government of the day, it was surely an evidence of popular feeling which must be met, not by offensive epithets applied to men, but by calm statesmanship applying itself to legislation.

MR. O'SHAUGHNESSY said, he wished to remind the House that, during the past seven years, all the efforts made by Irish Representatives for the better government of their country had been in vain. He had, in consequence, been driven, with great reluctance, to the conclusion that mere Parliamentary action would never succeed in enabling the Irish people to obtain a settlement of the Irish Land Question. They had been told that it was very hard that a country gentleman's income should be so cut down that he could not send his children to school; but it should be remembered that wretched tenants had been dying of starvation to pay the interest on mortgages and meet marriage settlements. The effect of agitation, however that means might be decried, had been to bring about a decided change in the attitude of the landlords of Ireland. He remembered the time, not so very many years ago, when the proposal to extend the Ulster Custom to the rest of Ireland was received with something like a sneer by the Irish landlords; but only the other day, when in Dublin, he met gentlemen of that class who told him they would like to see the Ulster Custom expanded and extended to the rest of

Ireland. Why was there that change in the opinion of the landlords? It was because they knew that their rents were in danger. As to advising the tenants generally not to pay rent, he thought any such advice deliberately given was unjust and contrary to good conscience. But there were cases in which, unless some advice of that kind were given, the landlords could not be brought to reason. Nothing could be more demoralizing than an agitation which might be construed into advice to men not to meet their lawful obligations; but on those who refused any other remedy for the present state of things, the sin must lie. Let those tenants who had been compelled, as many were, by coercion, and not in the open and free market, to pay rent, offer what, according to their consciences, was a fair rent and no more. If there was danger of that advice being abused, they could not help it. If there were Roman Catholic clergymen in Ireland who took up that agitation, it would be their duty to tell the tenants not to make an unjust use of it, but to pay their rents honestly, unless they were excessive. If there was any danger, as it was said there might be, of that advice being abused, he could not help it, for what else could be done? Were things to go on as at present? When landlords evicted tenants from farms, because they did not pay excessive rents, the neighbourhood had a perfect right to do all it could to prevent those farms from being taken by other men. He did not mean to say it would be right to use violence, or to commit any crime; but he did think that when a tenant had been evicted, the neighbourhood were perfectly justified in doing all they could, through the creation of a public opinion, to prevent the farm from being occupied by other tenants. A large number of Irish tenants were over-rented. To speak under the mark, he would suppose that one-fourth of the tenants were in that position; and if they refused for a couple of years to pay excessive rent, he believed that question would be settled. He would tell them why. The majority of the Irish landlords were men who could not stand the drain for two years. They would be reduced to ruin. It was every man's duty to banish dreadful thoughts from the minds of the people; but he was bound to say as long as the

law remained as it was—as long as it did not afford protection to the tenants—it was not the sympathy with the law to which he could appeal in addressing Irish tenants, but he would appeal to them on higher grounds. He should appeal to them not on the ground of law to withhold their hands from violence and bloodshed—indeed, he trusted that not one drop of blood would be spilt in Ireland during the coming winter in connection with agrarian matters—but he should appeal to them to do it for the honour of Ireland, and for the sake of the religion of their forefathers, which taught them patience, which taught them self-restraint, and which had preserved them heart-whole notwithstanding the troubles of so many centuries.

MR. T. P. O'CONNOR said, he could assure the House that he wished to speak on the subject in language which would be approved by the judicious both within and without its doors. The right hon. Gentleman the Chief Secretary for Ireland had thought it consistent with right and his duty to denounce the hon. Member for Tipperary (Mr. Dillon) as wicked and cowardly. With all the self-complacency of the Treasury Bench, and the dignity and ease of Office, the right hon. Gentleman made an attack on his hon. Friend. Every man who entered Irish politics entered them not only without hope, but without fear, and he would only trust—he would not say by device, but by compromise, in which all one's principles were sacrificed—to maintain a position on the Front Bench. It ill became the right hon. Gentleman who had so secured his position, and who had got his reward, to use the language which he had presumed to apply to the hon. Member for Tipperary. It was not at all becoming of the right hon. Gentleman to apply language inconsistent with the dignity and position of his Office to a man who had entered on the troubled sea of Irish politics, and who could not be cheered on his path by hopes of honour or power. It was said that his hon. Friend, in using language which encouraged a breach of the law without any risk to himself, had acted a cowardly part. He would apply the test of cowardice to the right hon. Gentleman and the noble Marquess (the Marquess of Hartington). What of the advice given by the right hon. Gentleman

and his Friends to the Bulgarians? Did they tell the subjects of Turkey to obey Turkish law, or did they tell them to disobey it, and did the disobedience lead to bloodshed? They did disobey, and it did lead to bloodshed. The right hon. Gentleman having used words which did lead to violation of the law and to bloodshed, according to his own dictum he was guilty of cowardly and wicked conduct, because he was not in Bulgaria, or within the reach of His Gracious Majesty the Sultan at the time he used those words. [Mr. W. E. Forster: What words?] He knew very well to what the right hon. Gentleman referred. He referred, perhaps, to his so-called "words of moderation" in the heat of the Eastern Question—words of moderation which, if acted upon, would have left the Eastern Question unsettled. If those words had been spoken in the Turkish Parliament, where those who uttered them would be amenable to Turkish law, they would have been brave utterances; but as they were spoken in the House of Commons, where those who made use of them were free from any risk to themselves, then, according to that dictum, they were also cowardly. Thus, on his own showing, the right hon. Gentleman was as wicked and as a great a coward as the hon. Member for Tipperary. He (Mr. T. P. O'Connor) did not say that by way of reproach, as nothing could have been more holy than the revolution brought about by the words to which he alluded; but merely to show that the right hon. Gentleman had no right to blame his hon. Friend for the use of language calculated to lead to similar results in Ireland. The right hon. Gentleman, in his ignorance of the affairs of Ireland, still admitted that the present state of the law was unjust. He and the Prime Minister had given pathetic descriptions of the hundreds of men, women, and children upon whom the sentence of eviction would be passed—a sentence which, according to the Prime Minister, amounted to a sentence of death. If it were in the power of the Chief Secretary for Ireland to prevent that sentence being pronounced, what would be more cowardly and more wicked than not to prevent it? If he wished to carry a Coercion Bill, it would be carried in a night, and the Lords Spiritual and Temporal would sit, as they did once before, even on a Sunday, to pass such a Bill.

Now, he put those two facts in contrast. They could, as far as English and Scotch Members were concerned, pass in three days a Coercion Bill, and yet because of their inability to pass a good Land Bill, they were willing to allow thousands of people to die by the roadside from starvation. Much had been said concerning the wicked and immoral teaching of the Land League on the question of rent. The hon. Member for the County of Galway (Mr. Mitchell Henry) said the advice of the League was that the tenant should only pay such rent as he himself believed to be just. In point of fact, however, his hon. Friend the Member for the City of Cork (Mr. Parnell) did not tell the tenants to judge of the fairness of the rents themselves, but recommended them to submit the question to two arbitrators, one of whom was to be selected by the tenant and the other by the landlord, and the tenants were never advised not to pay a just debt. That was very different from the dictum of the hon. Member for Galway, that the landlord should fix the rent. It was said there was a very good harvest this year. Would that make good the bad harvest of several years past? He discovered that, owing to the sagacious statesmanship of the right hon. Gentleman, there had already been two Amendment Bills to the Relief of Distress (Ireland) Bill, which had been justly described as a Bill for the Relief of Distressed Landlords. How was the tithe settled in Ireland? By resistance to the law, and by combination against it. So that there was ample precedent for combination against unjust taxes; and he maintained that an excessive rent by the landlord was an unjust tax. He spoke the sentiment of every well-wisher of Ireland when he said they yearned and they longed for the end of the era of agitation and outrage, and sometimes atrocity, which had so long marked the history of their country. They had no Representative Government in Ireland when the wishes of the people could be disregarded by the House of Lords. That House—and he was not going to say anything in its honour—would not have dared to throw out a Bill in which 2,500,000 English people were concerned, had it gone up to them with a majority of 66 English votes; but because they found that that majority of 66 contained 60 Irish votes, they threw out the Bill. It was because



it was Irish and not English public opinion that demanded that reform, that they felt that they were perfectly safe in throwing out that Bill. He told the right hon. Gentleman, and he told the House, that any acrimony he had used was excused by the acrimony of the right hon. Gentleman, and he assured them that the only way to settle this question was in a Parliament based on the confidence and respect of the people. When such a Parliament was formed, and sitting in Dublin, and not till then, they would find it would command moderation, good sense, and obedience to the law, such as was one of the finest characteristics and the highest and noblest heritage of a free people.

SIR MICHAEL HICKS-BEACH said, he had listened for several hours to a debate which was as irregular as any debate to which he had ever listened in that House. What were the circumstances under which that debate had arisen? Mondays were allotted by a Standing Order to the Government for Supply, and it was not in the power of any hon. Member to prevent the House immediately going into Committee on Mondays by moving any Motion. This particular Monday had been allotted by the Government, he believed, after communication with hon. Members for Ireland, as the day upon which the Irish Estimates, and particularly the Constabulary Vote, should be taken into consideration; yet he found that six hours had been occupied in a debate on an answer given by the right hon. Gentleman the Chief Secretary for Ireland to a Question asked him in that House a few days ago. Without entering at all into the subject-matter of that debate, and without touching upon any of the numerous questions which, as it appeared to him, had very irregularly arisen, he (Sir Michael Hicks-Beach) would venture, as far as it was in his power, to second the appeal, which was made more than an hour ago by the Leader of that House, that they should, at any rate, now proceed with the Business of the evening. He was quite aware that anything he could say was likely to have little influence with hon. Gentlemen from Ireland; but, surely, they would remember that during all the time they had been discussing this question, which seemed to them of great importance, and which had now been amply discussed, they had

been preventing the House from entering on the Business of the evening. He hoped that now, at any rate, they would be allowed to go into Committee, and do something towards carrying on that Business for which he had thought the House had met that evening.

MAJOR NOLAN said, they had just received a lecture from the right hon. Gentleman opposite (Sir Michael Hicks-Beach), which must have been actuated by an impression that he was still occupying his old post on the Treasury Bench, when, with a big majority behind his back, he used to deny every demand of the Irish people. At that time, everything that they asked on behalf of their constituents was sneered at on coming before the House by the right hon. Gentleman and the mechanical majority which followed him; and, apparently, he thought that, in Opposition, he could carry on the same system of lecturing in the same manner. For his part, he (Major Nolan) hoped that that House was not at all in the same condition as the House of Lords, and that Irish measures would at least get a hearing. He trusted most sincerely that Ministers would not listen to the insidious counsels of the right hon. Gentleman. The Irish Members did not get everything that they expected from the present Government; but when they contrasted what they had got, with the way in which they were treated by the last Government, they must admit that there was a very great change for the better. He (Major Nolan) did feel, however, that there was one thing which the Government ought to do before the House broke up, and that was that they ought to bring in some Bill to effect some compromise in Ireland. It was true that there was a bad harvest last year, and that there was a promise of a very good one this; but, then, the tenants owed everybody money. The landlords had not received their rents; the shopkeepers, in many cases, had not been paid; while the tenants were, on every hand, overwhelmed and burdened with debts. He thought, therefore, that the Government ought to do something to provide some means of meeting this difficulty as to debts, whether in regard to landlords, or tenants, or shopkeepers. The County Court Judges in the country might have the power, when debts were

brought into their Courts, to award that a certain portion should be paid for a certain time. A temporary measure of that kind, introduced and passed by the Government, would have a very mitigating effect. He had himself a Bill before the House which would go in that direction, and which had already passed the second reading. He would not stop at that moment to discuss its merits; but he desired very strongly to press on the Government the necessity of doing something, before the House broke up, to promote a compromise in Ireland. He did not want to see the landlords deprived of their rents; but, at the same time, it would be very hard upon the tenants to be called upon to pay up two or three years' rent in one year. There was only one thing to regret, and that was that the right hon. Gentleman the Chief Secretary for Ireland, who had always behaved with such good temper and kindness and affability, and who was so evidently anxious to promote Irish measures, had, in a moment of forgetfulness, used the word "cowardly." There were a great many things of which his hon. Friend (Mr. Dillon) might be accused; but one certainly was not cowardice, for he occupied a very dangerous position. He (Major Nolan) knew perfectly well, as a fact, that officers who were acting in command of troops, and likely to go to public meetings at which the hon. Member was to be present, and where they might be called upon to fire, had talked about shooting him. Under those circumstances, the hon. Member ran some considerable risk; and, so far from being cowardly, he (Major Nolan) thought that quite another epithet might be applied to him. He regretted those words very much; because he was quite sure they would rankle very much in the hearts of the Irish people; and he did hope that, in some way or other, they might be withdrawn.

MR. COURTNEY said, a little while ago they had heard from the hon. Member for the City of Galway (Mr. T. P. O'Connor), of the dignity and ease of Office; but he (Mr. Courtney) thought the House must be of opinion that there was no great ease at the Irish Office; and, from the speech to which they had just listened, it was evident that there was none, even after an hon. Gentleman had quitted it. The memory of the past

followed the right hon. Gentleman opposite (Sir Michael Hicks-Beach), so that he could not even propose that they should proceed with the Business of the evening without his having a severe rebuke from his hon. and gallant Friend—[A cry of "He deserved it!"] He was also desirous that they should go on with the Business; and he would, therefore, detain the House but a very few moments. On this occasion, however, it might be convenient that something should be said by an independent English Member, who had shown, by his speeches and his votes in that House, that he was not without sympathy for the Irish Party. It was to him a matter of considerable regret that hon. Members opposite, who had spoken that evening, had not taken pains more clearly and distinctly to dissociate themselves from the language of the hon. Member for Tipperary (Mr. Dillon). He could understand the generosity of the motives by which they were actuated; but, at the same time, he did regret that. It would be seen, no doubt, upon examination of their speeches, that almost every hon. Member who had spoken had intimated, in some degree, his difference with the hon. Member, although he had not openly and clearly expressed it. He could refer to hon. Member after hon. Member who had said that they would not quite say what he had said at Kildare; that they were not entirely of the opinion of the hon. Member for Tipperary, and other expressions of that kind; and yet those same hon. Members had taken pains to justify and applaud the conduct of the hon. Member. He ventured to think that that was not judicious conduct on their part, whether as Members of the Irish Party, or as Irishmen who would have to address meetings of their countrymen in Ireland. It was not judicious, because it detracted from their influence here; it was not judicious, as they themselves must admit, when they realized the meaning and force of the expression used by the hon. Member at Kildare. He had said that hon. Members had, to a large extent, covertly, and with qualifications, expressed some dissent from the conduct and action of the hon. Member for Tipperary. His hon. and learned Friend the Member for Meath (Mr. A. M. Sullivan) was one of the earliest who spoke in that debate, and what did

he say by way of apology for him? He declared that the object of the hon. Member was to create amongst the Irish peasant farmers a trades union, and that it was necessary that a trades union should be created amongst them, in order that by mutual help they might sustain themselves against the action of the landlords. He certainly should not for one moment dissent from that view, and he should not for a moment condemn the action of the Irish farmers if they attempted to form, and succeeded in forming, a trades union among themselves. But, then, how did the hon. and learned Member go on to speak? He spoke of Broadhead, of Sheffield, as an illustration of trades unions, and actually advocated the conduct of the hon. Member for Tipperary, because what he said was not worse than, indeed, was not so bad as, the action of Mr. Broadhead. [Mr. A. M. SULLIVAN dissented.] He observed that the hon. and learned Member shook his head. Perhaps he had an explanation to offer of the words different to what he himself understood their introduction to mean; but he thought the hon. and learned Member must admit, if there was to be any rational and logical interpretation of his sentences, that that was the meaning of his argument. He seemed to contend that it was part of the necessity of trades unions that they should resort to this means of violence, and that trades unions were a good thing.

MR. A. M. SULLIVAN begged to explain. The hon. Member for Lisheard (Mr. Courtney) was confounding two sentences of his observations. He said that no one should condemn the trades unions of England because of those atrocities; and he mentioned Mr. Broadhead's name, when asking the right hon. Gentleman the Chief Secretary for Ireland to recollect that such a thing took place in connection with trades unions, though it was not a necessary consequence of them.

MR. COURTNEY said, he would endeavour to follow out the reasoning of the hon. and learned Gentleman. He maintained that no one should condemn trades unions because of Mr. Broadhead; and, secondly, that no one should condemn trades unions among the peasant farmers of Ireland on account of the language of the hon. Member for Tipperary. They were not going to condemn the trades union of Ireland, but

they did condemn the language of the hon. Member. The hon. Member for Cavan (Mr. Biggar) also referred to it, and he said, quoting his observations from memory, that they had heard a good deal last year about the War in Zululand, and many observations had been made about burning villages and the destruction of kraals, and that was defended by the right hon. Gentleman the late Colonial Secretary (Sir Michael Hicks-Beach) on the ground of military necessity. The hon. Member for Cavan argued that as this was part of the military struggle in Zululand, and as the Colonial Secretary defended the struggle in Zululand, would he not admit the same thing in Ireland. But he (Mr. Courtney) had always understood the hon. Member for Cavan to condemn, like himself, the mode of warfare practised in Zululand; and he could not now allow him to apologize for what was suggested in Ireland by a reference to what he had condemned in Zululand. He would say—"Even if it is a war between the peasantry and the landed proprietors in Ireland, do not attempt illegal methods of warfare. We condemn the cruel warfare in Ireland, as we did the cruel warfare in Zululand; and do not attempt to apologize for what is done in Ireland by reference to that which was not admitted in Zululand."

MR. BIGGAR: Perhaps, Sir, I may explain my argument. I wished to point out that what was charged against the Irish land system was very much less than what was acknowledged to have taken place in Zululand, and I drew a comparison between the two, and maintained that what was done in South Africa, and for which was pleaded military necessity, was infinitely worse than anything done in Ireland.

MR. COURTNEY replied that it was not a matter of less or more at all; but he must acknowledge that he felt a difficulty in arguing with hon. Members opposite, and getting them to see how one link of the argument was connected with the next. He had listened very attentively to the speech of the hon. Member for Longford (Mr. Justin M'Carthy), and he did regret that he had not expressed a little more distinctly than the other hon. Members round him his dissent from the language of the hon. Member for Tipperary, and that he had not said also a few words to express,

*Mr. Courtney*

even more emphatically, the abhorrence which he, at least, must feel of practices which the language of the hon. Member for Tipperary was too well calculated to promote. He must feel, and he must recognize the imprudence of that conduct. He would impress upon him, then, why did he not say that, even for the sake of the Irish Party, and as a matter of patriotism in talking to Irish peasants, who were engaged in an unequal war, it would be the worst possible policy to speak to them as the hon. Member for Tipperary had spoken, and to act as he had acted. Why did not the hon. Member for Longford show his patriotism by openly dissociating himself from the hon. Member? The chivalry of companionship was an error, and a common error prevalent everywhere. If one landowner behaved badly as a landlord, the mass of his fellow-landlords, instead of sending him to Coventry, stood by him. If one shipowner behaved badly as a shipowner, the mass of shipowners, instead of disavowing him, stood by him and shielded him. If one Member of the Irish agitating Party did something which was more than an error, hon. Members opposite, because of their sympathy and good fellowship, instead of condemning his error, instead of pointing out, in a clear way, that they dissented from him, stood by him and apologized for him. It was generous; but it was, nevertheless, a fault, and it was a fault in which they forgot their duty to the Irish peasant. Some remarks had also been made by the hon. Member for the City of Galway (Mr. T. P. O'Connor), to which he (Mr. Courtney) should like to direct attention. That hon. Member said that, after all, the language of the hon. Member for Tipperary was nothing compared with the language which was used by present Members of the Treasury Bench in reference to the war in Bulgaria. But the hon. Member was able, he (Mr. Courtney) was sure, to conceive the limits within which rebellion was not only justifiable, but a duty. One of the conditions under which rebellion was justifiable was the condition and the possibility of success. Now, when that language was used with reference to the rebellion in Bosnia and Herzegovina, the rising in Bosnia against Turkey promised to be successful from the experience of years of warfare in which all the powers

of Turkey had been used in vain. For two years, in Bosnia and Herzegovina, the Turks had striven to put down rebellion there, and had failed. But language which might properly be used, and justifiably used, and used with every moral right, with reference to rebellion in the Ottoman Empire, was language which could not be addressed by any Irish patriots to Irish peasants, in reference to their quarrel with Irish proprietors. Was there any possibility of anything but misery resulting to the peasants, if they once attempted, as suggested by the hon. Member for Tipperary, to set the law at defiance? There was some hope for them, though they might have to wait for it. Though they might have delay, yet there was some hope that they might get redress from Parliamentary action, because redress had been secured by that means in the past. But what hope was there of obtaining any redress by a rising by armed organization, or by this miserable cruelty to animals of which they had heard? What hope was there in all that for redress for Irish grievances? The only effect of it all was to alienate English sympathy, to lessen the strength of the Irish appeal, and to destroy the feeling which was rising in England on behalf of Irish peasants, and which, in time, would help them to achieve the objects which they desired. Before he sat down, he should also like to say a few words in regard to the phrase used by his right hon. Friend the Chief Secretary for Ireland with reference to the hon. Member for Tipperary. When he (Mr. Courtney) heard those words used, he wished them unsaid. He doubted whether the right hon. Gentleman himself had not since wished that he had not uttered them. The phrase did not appear to him, as he knew the hon. Member, to be correctly used as a description of his conduct; and by his speech there that night he had assuredly vindicated himself from any aspersion of cowardice in what he had done. The hon. Member seemed to him (Mr. Courtney) rather one of those ardent enthusiasts who were too much engrossed in their own thoughts—too devoted to their own plans, to know always exactly how what they said and did would act upon their fellow-men, or to see precisely, at any moment, what would be the exact consequences of their own conduct. He (Mr. Courtney) would

not say the hon. Member had been cowardly or had been wicked; but he would say that he had been culpably and criminally careless in not thinking what might be the effect of his own language on the excitable, the miserable, and down-stricken crowds he was addressing. If a man talked to poor Irish peasantry, suffering as those men had suffered from the past winter and the winter before that, as the hon. Member had talked, surely he must know what must be the effect of his language. Surely he must be aware that the effect was to produce such barbarities as had been described by his right hon. Friend the Chief Secretary for Ireland—barbarities which made them ashamed and angry at such want of civilization in the people by whom they were perpetrated, and which alienated all English sympathy from the people amongst whom such acts were committed. When the hon. Member for Tipperary talked of this organization going in military array to the meetings, could he have realized the meaning of the words he had used, could he have foreseen the consequences to the Irish peasantry, could he have understood that he was inviting them to civil war? If he had not understood that, then he had been criminally careless of the effect of his words. If he had, then the language of his right hon. Friend might not have been precisely accurate. But some even stronger words would be justifiable in reference to such language as that. But while he regretted the language of his right hon. Friend, he must confess, for his own part, that he could understand very easily how he must have been tempted to use it. He had had some months' experience in the Irish Office; he had made himself acquainted with the facts of the case; he was pledged to a course which, if successful, would bring him little gratitude, and in which failure would bring him a good deal of disgrace; and yet, when he was struggling to infuse some better feeling into the relation between classes in Ireland, and was struggling to persuade Parliament to adopt legislation which should improve the condition of the people, when he was devoting himself heart and soul to the problem of Irish land and the amelioration of Irish society, he found all his efforts thwarted, all his good intentions checked, all promise of success

in the future extinguished by the action of such men as the hon. Member for Tipperary. That was, no doubt, the state of mind of his right hon. Friend when he spoke as he did; and, although he (Mr. Courtney) regretted the particular words which were employed, he could not possibly condemn him, when he remembered what he had done, and when he saw how his hopes, his desires, and his labours were likely to be frustrated by this ill-feeling, this criminal carelessness, on the part of those who supposed, and in their own narrow view of things did, no doubt, conscientiously suppose, that they, and they alone, were the friends of the Irish people.

MR. PARNELL said, he did not think they could reasonably complain of the tone of the speech which they had just heard from the hon. Member for Liskeard (Mr. Courtney); and if the right hon. Gentleman the Chief Secretary for Ireland, at the commencement of his speech, that evening, had shown the same desire calmly to argue the question out, and to refrain from the temptation to repeat the odious charge, and he (Mr. Parnell) would add the unfounded charge, against his hon. Friend the Member for the County of Tipperary (Mr. Dillon), he thought that very much of the heat which had unfortunately been infused into this debate would have been avoided. At the same time, the speech of the hon. Member who had just sat down (Mr. Courtney) exhibited very strongly one of the great difficulties under which Irish Members laboured in endeavouring to bring the real state of things in Ireland before the English people, and before that House. It illustrated also one of the great difficulties which the English Government laboured under, even though it was most liberally disposed towards Ireland, and must labour under, in endeavouring to bring forward measures for the amelioration of the state of affairs in Ireland. His hon. Friend the Member for Tipperary had been charged with a variety of heinous offences which, to one like himself who knew his character, and to those who really were acquainted with the state of things in Ireland, and who knew the way in which his words would be interpreted by those who listened to him at those meetings, were very much calculated to create a smile. Englishmen had taken an entirely different view of the effect of the words of his hon. Friend

from the effect and effects that were intended to attach to them by the hon. Member himself. That was not an unnatural result; Englishmen were unnaturally influenced by the general tone of their newspapers. They were perfectly unacquainted themselves with the state of affairs in Ireland, and they necessarily adopted a more or less inaccurate idea of what actually existed there. He (Mr. Parnell) and his hon. Friend had been asked by many hon. Members that night to do one of two things; either to endorse the words of the hon. Member for Tipperary, or to dissociate themselves from those words. There was certainly one thing that he did not at all like to do, and that was to denounce men sitting on his own side of the House. They were in a very small minority, and he always found that there were plenty of other people to denounce him and his Friends without their undertaking that duty for themselves; so that, even if the meaning could be attributed to the words of his hon. Friend, which had been attributed to them by the hon. Member for Liakeard, he should be inclined to pass them by in silence, and to leave to English Members the task of denouncing them. But he would say, as regarded those words, that he cordially agreed with every one of them, and with the views which his hon. Friend had advocated, with the exception of one small passage which he had not seen reported in any of the newspapers, and had not heard until it was read out by the right hon. Gentleman the Chief Secretary for Ireland at the Table, a passage also which he thought could not have been before the right hon. Gentleman, and to which his attention was certainly not directed when he was answering the Question of the hon. and gallant Baronet (Sir Walter B. Barttelot) upon a previous occasion. That passage was the one in which his hon. Friend referred to animals not prospering.

**MR. W. E. FORSTER:** I must beg to correct the hon. Member. I had that passage in my mind at the time I answered the Question.

**MR. PARNELL** said, that, of course, he accepted immediately the statement of the right hon. Gentleman, that he had the passage in his mind; but, at least, that passage had not been reported in the newspapers at the time, and had not been noticed by the hon. and gallant

Baronet who put the Question. He would say that he thought his hon. Friend (Mr. Dillon) was unguarded in the use of that expression; because it was one which might be interpreted in two ways; it might be interpreted as a sanction to certain outrages which had been committed upon certain animals, which had not been committed very frequently in Ireland during the progress of this agitation, and which he (Mr. Parnell) joined with the right hon. Gentleman the Chief Secretary for Ireland in condemning to the fullest extent. But, on the other hand, that phrase might have been interpreted, and he thought, probably, was interpreted by everybody who heard it, in connection with a superstition which was very prevalent in that part of Ireland, that a man who took land from which a farmer had been evicted would have no luck in his undertaking, and that his cattle would not thrive on the pastures, and that his crops would not succeed on the land. The language of his hon. Friend was most probably interpreted in that way; but as it was also capable of being interpreted in another way, he thought the hon. Member should not have used the expression. He was, however, surprised to hear the right hon. Gentleman the Chief Secretary for Ireland imputing to his hon. Friend an intention of suggesting that cattle should be maimed if they were put upon such lands. He (Mr. Parnell) had said before that he exceedingly regretted that cattle should be maimed under such circumstances; but, for his part, he believed that the land agitation had been enormously instrumental in preventing outrages not only upon cattle, but in preventing the far more serious outrage of taking the lives of landlords by assassination. He believed that the land agitation of the last ten months had done more to save the lives of landlords than any Peace Preservation Acts that had been passed. It had directed the attention of the tenantry of Ireland to combinations amongst themselves, to going to meetings in the light of open day; marching along roads in military order; at least, the rudimentary military order of the formation of fours. He was surprised to hear the right hon. Gentleman the Chief Secretary for Ireland say that he was going to put down such a thing as walking in military order in

fours. That was a question which needed to be very carefully considered. He believed it was perfectly legal to walk along roads in fours, for the purpose of making peaceful demonstrations. He believed that the lessons they had been teaching to the Irish tenantry had been enormously instrumental in saving people from outrages. If they could have been left to themselves, he believed that they would have obtained a satisfactory solution of the difficulty, and a remedy for their grievances. If they compared the present time with previous times of distress the comparison was very favourable. During the past year 250,000 people had been living from day to day upon charity; many subsisting upon only one meal a-day. Thousands upon thousands of ejections had been actually carried out, and an enormous number of evictions had actually taken place. Under those circumstances, it was remarkable that there had been such little crime and outrage in Ireland. He could only attribute that to the action of the Land League. By the encouragement and organization which it had given to the tenantry, it led them to believe that all their wrongs could be remedied by constitutional means. He admitted that many of the things said at recent meetings must be disagreeable; but the state of affairs in Ireland was very serious, and they were unable to protect the Irish tenantry. The right hon. Gentleman the Chief Secretary for Ireland brought forward a Bill for the purpose of protecting them, and said that it was absolutely necessary in order to prevent grievous injustice being done in the name of the law; he failed to carry that Bill; he had failed in his attempt to protect these tenants. He told them that he was not going to try anything else, and that he was going to use the whole force of the law in carrying out these unjust evictions. Under those circumstances, what were they to do; were he, and his Friends, to stand idly by, and leave the tenants, who had trusted them, to their fate? They refrained from reproaching the right hon. Gentleman the Chief Secretary for Ireland, because he had shown his goodwill towards the Irish tenantry, by making this unsuccessful attempt to protect them. The landlords were frightened by the prospect of more legislation in the next Session of Par-

liament, and were anxious to clear their estates during the present distress. To protect the tenants, it was necessary to raise a healthy public opinion in their favour, and that was what they had been trying to do. The keystone of the land movement was this—they discouraged the tenant from paying rent, which, taken in connection with all the circumstances of the time, seemed to be too high. It was based not upon what the land yielded at the present time, but upon what it had yielded in past years. They also, where tenants were evicted from refusal or inability to pay the rent, discouraged other tenants from taking such holdings. They believed they could settle the Land Question in that way. If they could carry out those two objects, they believed the Irish Land Question would be settled; and there was nothing unlawful or revolutionary in such proposals. His view was not the formation of an army to carry out that purpose; an army would not answer for such a purpose, if one were formed. What they desired was simply to form a sound public opinion in the different counties. One very good way of doing so would be the marching of people along roads in large bodies. Farmers who were anxious to compete for their neighbours' holdings would see by that that they ought not to take those holdings; and that if they did so they would become unpopular with their neighbours. They would create a different spirit amongst all the people living in the country. He denied that this was inciting the people to outrage or to violation of the law; and he said that the comparative absence of serious crime in Ireland, notwithstanding the trying period through which the country had passed, proved that the agitation had saved the country from very serious trouble. He believed that, but for such agitation, they would have had scores of lives sacrificed on both sides—landlords and tenants—where they had now had only one life lost. Let the House consider the state of affairs in the County of Mayo and in the County of Galway, where agitation had been most rife. Those counties had been free from agrarian murders. The assassination of Ferrick, the other day, was held up as an example of agrarian murder; but he (Mr. Parnell) was disposed to believe that Ferrick was shot for some

other reasons than for offending against the Land League. His master was, he believed, not a harsh landlord. He had not heard that he had committed any offence against his neighbours, or that any infraction of regulations in connection with the land had been imputed to him. He (Mr. Parnell) wished to express his belief that his assassination was not connected with the land agitation in any shape or form. In the Counties of Mayo and Galway there had been no assassinations. Where did they find such crimes? In the County of Wexford, where there was no Land League and no land meetings, and the people had been left to their own devices. He did not wish to prolong that debate; but he thought that they ought to mark their sense of the importance of the question, and of the unfair way in which his hon. Friend the Member for the County of Tipperary (Mr. Dillon) had been treated, by taking a division upon the Motion for the adjournment of the House. His hon. Friend was very sincere and earnest in that question—perhaps more so than any of them; he was fearful of any distress coming upon the people by which they would have to beg their bread from day to day. He had seen him going round meetings in America, hat in hand, gathering 10-cent pieces from the poor, and dollars from the rich, to help his people at home. He (Mr. Parnell) had noticed how much it went against the grain for him to do that, and was sure that nothing but a strong sense of duty had induced him to take such a course. It was only when his hon. Friend saw the readiness of the people to pay rack rents, and to give the whole of the harvest to the landlords in satisfaction of their claims, that he had warned the people, strongly and determinedly, to hold the harvest. For his own part, he (Mr. Parnell) fully indorsed the speech which his hon. Friend had made, with the single exception which he had mentioned. He had never given way to despair, or on any occasion advised the tenants to refuse to pay rent. On the contrary, he had always told them to refuse to pay an unjust rent. His suggestion was, that the tenant and the landlord should each have an arbitrator, who should settle what was fair rent to pay under the circumstances of the case. Nevertheless, he had been accused of advising the tenants to pay no rent, and

he could not help saying that all legislation for the purpose of saving the tenantry had been in the direction of mixing up the good with the bad landlords. The House of Lords had rejected the opportunity of saving the good landlords from being mixed with the bad landlords, and it was impossible to suppose that an organization like the National Land League would be able to discriminate as closely as a Court of Justice between the good and the bad landlords. He could not help saying that, in his opinion, the tendency of agitation must be, in the future, to involve the good landlords with the bad. He thought that the decision of the House of Lords had brought that result upon their own heads. He regretted it very much, for he thought that, by preventing eviction in Ireland at the present time, many evils might have been prevented, and the way paved for dealing with the subject in a more comprehensive manner. Now, however, they were told by the right hon. Gentleman the Chief Secretary for Ireland that the law would have to be enforced. They desired, in a perfectly peaceful manner, to show that it would be perfectly impossible for the right hon. Gentleman and the Irish landlords to put in force these unjust laws, and to dispose of the tenants in the way contemplated. He did not know whether the coming winter would pass over quietly or not; but, at all events, the onus did not rest upon them. He was sorry that the opportunity of meeting the case by the Compensation for Disturbance Bill had gone by. But they would share the danger, and he did not think that the hon. Member for Tipperary could be fairly charged with giving advice and himself remaining in a position of safety. The only dangerous services that there had been with reference to the land movement recently were performed by his hon. Friend, who went down and put himself at the head of, 4,000 men and marched to where an eviction was going on. He did not think it was, therefore, fair to charge his hon. Friend with remaining aloof from danger. He certainly did not stimulate others to get into a scrape which he himself was unwilling to share. If the hon. Member for Tipperary was ever proved, he (Mr. Parnell) was sure it would be found that he was not a coward.

MR. DILLON said, he had not intended to divide the House; but the



debate had taken such a course, that he thought it right that he should take that step, and thereby give an opportunity to the Irish Members to record their opinions. It had become very much a question whether the Government would take any measures, or would not take any measures, before the House rose, to protect the Irish tenantry against eviction. He wished to make a reply to some observations which had been made in the course of the debate, and he would not take up more than one or two minutes in doing so. With reference to the observation of the hon. Member for Liskeard (Mr. Courtney), he might say that the hon. Member was under an entire delusion with regard to the movement with which he (Mr. Dillon) was connected in Ireland. The ignorance prevailing in England with regard to this and other Irish matters was exceedingly great. The hon. Member for Liskeard shared the ignorance which most Englishmen had upon these subjects. There was nothing in what he said at Kildare that could be interpreted into inciting to revolution or civil war. None of the Land Leaguers had any expectation that such a thing would arise. But there was danger of a social war in Ireland, and that danger would be very much increased by the conduct of the Government in refusing to afford any protection to the Irish tenants. He would not follow the right hon. Gentleman the Chief Secretary for Ireland into all the points he urged in detail with regard to his (Mr. Dillon's) speech at Kildare. He would only say that he could not understand the feeling which induced hon. Members of that House to almost melt into tears over the sufferings of cattle in Ireland. He was as strongly opposed as any man to the infliction of unnecessary suffering upon cattle or any dumb beasts. But if the case were put, between the eviction of an Irish family and the destruction of a few cattle, it seemed to him to be a false humanity which, passing over the brutalities inflicted upon the people of Ireland, melted into tears over the cruelties inflicted upon animals. And though not supposed to be a warm admirer of Irish landlords, if it became a question between the murder of cattle and the murder of landlords, he, for one, should infinitely prefer to see cattle murdered, rather than landlords.

*Mr. Dillon*

Question put.

The House divided:—Ayes 21; Noes 127: Majority 106.—(Div. List, No. 134.)

## ORDERS OF THE DAY.

### SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

### CLASS I.—PUBLIC WORKS AND BUILDINGS.

(1.) £9,500, to complete the sum for the Science and Art Museum, Dublin.

(2.) £12,500, to complete the sum for the Shannon Navigation.

MR. FINIGAN said, he could not allow the Vote to pass without making a very strong protest against the action of the Irish Board of Works in connection with the Shannon Navigation. He had brought the question up on a previous Vote, and the noble Lord the Secretary to the Treasury promised to go thoroughly into the matter. He (Mr. Finigan) had since received a very long account of the injustice practised towards these people in several parts of Clare, through the total neglect of the Irish Board of Works. Of the Clare Castle Harbour and Pier he did not wish, at that late hour of the night, to go into the whole of the details sent him; but he would point out that last year, when a Conservative Government was in Office, this Clare Castle Harbour was brought under their attention by his hon. and gallant Friend the Member for Clare County (Captain O'Shea). The right hon. Gentleman the then Chief Secretary for Ireland (Mr. J. Lowther) and the then Secretary to the Treasury (Sir Henry Selwin-Ibbetson) promised that something should be done. Looking over the 48th Report of the Commissioners of Public Works, he found that they did acknowledge, with regard to this Clare Castle Quay, that something should be done; and they stated that their Lordships had sanctioned a loan of £2,000 for the extension and repair of the pier at Clare Castle, that certain plans and sections had been made, and that the works would be commenced as soon as possession of the land had been obtained. If that were really something new, he should be very sorry to raise the question now; but, really, this was the same old tale that he had been told several times

for the last 12 months, and which hon. Members previous to him had been told in many previous years. He might point out that Clare Castle Pier was built in the year 1844, and that between the year 1844 and the year 1878 the receipts from that port amounted to £3,167 13s. 2d., and that the expenditure, which was chiefly, and almost totally, in the shape of salaries, amounted to £939 6s. 8d., leaving a balance in favour of that port of £2,228 6s. 6d. One would have thought, when an Irish port paid into the Irish Treasury such a large excess over what it cost, that it would have been a very easy thing to have got this sum of £2,000 for its extension, which was really less than the balance carried into the Treasury, especially when interest was offered to be paid on it at the rate of 5 per cent per annum. That loan was agreed to on the 25th of October, 1879; and he heard from the Treasury that this matter had been finally settled; but that was not so, for it had not been settled to this day. He understood the difficulty now arose from the fact that, while the Irish Board of Works was willing to purchase the piece of land belonging to Lord Inchiquin, one of the noble Lords who voted against the Compensation for Disturbance Bill—[*a laugh*—an hon. Member opposite laughed; but he (Mr. Finigan) did not know that a Peer who voted against a measure of relief for the Irish people was also stubbornly and unjustly holding out upon a question such as this. Lord Inchiquin wanted an enormous price for this land, which was necessary for the harbour, and in order to prepare the way for this Clare Castle Pier. If the Government would only bring pressure to bear on the Irish Board of Works, they might insist on Lord Inchiquin placing his claim before arbitrators, and then there would be very little difficulty in settling the sum which was to be paid him for this piece of land which was necessary for these works. This House, not only by its own Act, but by the Act of a previous Government, had sanctioned this loan of £2,000, for which the people of this district were willing to pay 5 per cent; and, therefore, he thought the noble Lord the Secretary to the Treasury ought to tell them something really definite, and to state whether the work would be done at once. If this matter were

carried through during the coming winter, some work would be given to the poor tradesmen and the poor labourers round there; and, therefore, he hoped the noble Lord would be able to undertake to carry the matter out.

LORD FREDERICK CAVENDISH said, that he was not aware that that subject would be brought up again that night. He ought, of course, to have remembered it; but it did not occur to him. He hoped to be able to give the hon. Member for Ennis (Mr. Finigan) further information on the Report, and he could now only state that the last account he had from the Board of Works in connection with this subject was that all obstacles to the progress of the works would be soon removed.

MR. ARTHUR O'CONNOR said, he must, first of all, point out that these £37,000 to be voted for the work in connection with the Shannon they owed, as they owed almost all remedial measures proposed for Ireland, to the Conservative Government. This was a Conservative proposal, placed by the Conservative Government upon the Estimates, and thoroughly taken in hand by them when they had once placed it there. But the conduct of the present Government was very different from that of the late Administration in that respect. They obtained, first of all, an advance of £5,000 out of the total of £20,000 asked for during the financial year, and they only took that sum, because they knew perfectly well that the summer was the time of year when this kind of work could be carried on. They went on for some three months with that sum, and then they came to that House again, and in another Vote on Account they asked for a sum of £2,500—that was to say, for the very best six weeks of the year they only took a Vote at the nominal rate, and they actually did not take the trouble to obtain, as they might have obtained, the whole of the money for the working months of the year. As a consequence, they now came for the balance, more than half the money voted, at a time when they would not probably be able to expend the whole of it; and they would find, consequently, by the Appropriation Account of next year, that this sum which had been voted in order to give employment to that very distressed part of Ireland, had not all been spent. They often found that after the House had

voted money for a large number of services in Ireland, the Government did not spend the money. Here was a single instance in which the Government had wilfully and deliberately and designedly refused to take advantage of money which had been voted, and had refused to avail themselves of the facilities offered them. He did hope they would receive an assurance from the noble Lord the Financial Secretary to the Treasury, or the Chief Secretary for Ireland, that the money would be spent as rapidly as possible during the short period of summer which still remained in which this kind of work could be done. If the noble Lord would really see that the money was spent, he would confer a very considerable boon on the distressed people of Ireland; but he was certain if the noble Lord did not himself move in the matter, that a large proportion of the money would be returned.

LORD FREDERICK CAVENDISH said, he had explained, more than once, that everything in connection with these works was being proceeded with as rapidly as possible; but, as he had already pointed out, more mischief than good would be done if they did not proceed in order, and did not do the lower works before they begun to make the higher ones. If they let down the large amount of water from the higher part of the river before they had made provision below they would be likely to cause damage. It was, therefore, absolutely necessary that they should do the lower work first. In one place, also, it had been impossible to obtain contracts; and the work was, consequently, in the hands of the Board of Works themselves. He could assure hon. Gentlemen, notwithstanding the somewhat uncharitable insinuations that he (Lord Frederick Cavendish) attempted to save money out of the Estimates, that this work would be attended to.

MR. O'KELLY said, he would like some assurance from the Government with reference to the reduction of the weirs on the Shannon, near Jamestown. For some time since, in consequence of the height of these weirs, the lands in the neighbourhood had been annually flooded, thereby causing great damage to the crops. Representations had been made to the Government by the Board of Guardians of Gargoyle, and by others in the county of Leitrim and the county

of Roscommon, with reference to the injury done by these annual floods to the crops, and promises had been made that the height of the weirs should be reduced. He should like to have some statement from the Government in reference to the probable time when that very necessary work should be undertaken. He understood that the annual loss by these floods was greater than the whole receipts from the river navigation.

LORD FREDERICK CAVENDISH said, that it was proposed to deal with these weirs in order to improve the navigation, as well as for the purpose of relieving the floods.

*Vote agreed to.*

### CLASS III.—LAW AND JUSTICE.

(3.) £23,827, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.

MR. FINIGAN wished to ask one question only upon this Vote, because he did not understand what one particular item meant. On page 247 under sub-head A it appeared that the Pursebearer of the Lord Chancellor was paid £350, and he found by a foot-note to the same page that the Pursebearer "also received £200 as Registrar's Clerk, from the funds of the Irish Church Temporalities Commission." That was another instance of that system of duplicate officers which was too common, not only in Ireland, but in England. He objected very strongly to these duplicate offices on principle. He did not see why the Lord Chancellor, in the first place, wanted a Pursebearer at all, in any shape or form; because Lord Chancellors were usually, he believed, paid by cheque. Evidently, the whole office was a mere sinecure, kept in existence either for political or other purposes. He should certainly move to reduce the Vote when it came on; because, unless they made some effort to put down some of these sinecures, they would not get rid of the immense amount of corruption prevalent at present in the Irish Office.

MR. SEXTON said, there were one or two other points he wished some information about. Was the office of Assistant Secretary to the Lord Chancellor a permanent office, or did each incoming Lord Chancellor appoint his own? He saw that the minimum salary was £300, rising by an annual increment of £15,

*Mr. Arthur O'Connor*

to £450. And as the maximum salary was charged against the present year, and as the Lord Chancellor had only come into Office a few months ago, he supposed that the office was a permanent one. Then he found that the usher was paid £350, and he believed that one might search through the Estimates to find any parallel to that extraordinary salary. The usher at the hall of Lincoln's Inn received £300; but that was a more important post, while other ushers received only £100, and the marshals were paid but £75. The other salaries, indeed, were very modest compared with this mammoth official of the Lord Chancellor, varying, as they did, from £50 to £150. He should like some explanation of this salary, for the position was not one requiring either much ability and expensive education, or any expensive social position. Why should a subordinate receive a salary which many gentlemen in Her Majesty's Service did not obtain? Again, there were two junior clerks at page 48, whose salary was £250, rising to £350. Both salaries had reached the maximum, of £700; but he should like to know why those two clerks were charged at £800, because, apparently, £100 was being inaccurately or improperly disposed of?

LORD FREDERICK CAVENDISH said, the salaries of all these officials had been very recently revised, and next year's Estimates would show a very considerable change. This revision had taken place in pursuance of an Act recently passed; but, as the new salaries did not come into force until there were vacancies, it would be some considerable time before the changes would be completed. All these officials held permanent appointments; and, therefore, it would be impossible to bring the new salaries into operation, except as vacancies occurred. The Pursebearer's salary would hereafter be reduced to £100. He believed the office of Assistant Secretary was a permanent one; while the usher alluded to had to provide stationery for the Lord Chancellor. The alterations in these offices had taken place since the Estimates were presented; and, therefore, it was impossible to mention them in them; but, next year, the changes would be shown and the amount of reduction which ultimately would follow.

MR. BYRNE said, he was sorry to find that this system of duplicate places ran all through the Estimates. There was an office-keeper in one case holding another office; while, in the second, he found an Examiner holding the office of Clerk of the Crown to County Meath. One would have thought that an important office like that would be sufficient to occupy all the attention of one gentleman without his holding a duplicate office also. The Assistant Clerk also held a duplicate office. The Head Clerk of the Crown and Hanaper got £800 a-year; but he found what was very strange, that a clerk in his office, called the Clerk of Records and Writs, got £1,540. Then, again, he found items for late Clerk of Enrolments £450, rising by £20 to £650, and late Clerk of Affidavits £300. Would he be right in assuming that these were pensions? If so, that should be stated.

LORD FREDERICK CAVENDISH said, these officers had to be provided for in 1879-80. But they had now become vacant, and were not being filled up; and if the hon. Member would look at the column for this year, he would see that they were no longer provided for in the Estimates. The late Clerk of Enrolments had £650 provided for him in 1879-80; but no sum whatever was voted in this year. The next item, late Clerk in the Affidavit Office, was explained in this way. These clerks in the Record Office were formerly in the Affidavit Office, and had now become clerks in the Record Office. They held a new position, but retained the same salaries that they had before. He agreed with much that had been said about duplicate places; but he could not agree that the system was always wrong. There were cases in which both economy and efficiency were obtained by allowing a man filling one office, with very slight work, to fill a second at a smaller salary than that for which two men could be obtained.

MR. BYRNE said, he had had no explanation of the fact that a junior clerk was paid £1,540.

MR. ARTHUR O'CONNOR said, his hon. Friend (Mr. Byrne) had not observed a line in large print in the Estimates, which would have informed him that this included money paid to clerks for piecework in different departments under the Lord Chancellor. He should

like to know, whether he correctly understood the noble Lord, that the re-organization of this Department had taken place since these Estimates were drawn up? It was assumed that the re-organization would result in the reduction of expenditure; and, if that were so, it would be satisfactory to the Committee to know what was the amount of saving which was likely to accrue this year. If the noble Lord knew what it would be, it would be proper to submit to a reduction of the Estimates by that amount, as he could not want money which he knew would be saved.

**LORD FREDERICK CAVENDISH** said, he was sorry to say there was no saving this year, for the reason that certain officers had had improved salaries, and that the reductions would not, at first, take effect.

**MR. FINIGAN** said, the noble Lord had admitted that duplicate offices were generally to be condemned. Now, he (Mr. Finigan) thought this office of Pursebearer, who carried a purse with no money in it, ought to be abolished; and, unless he was told by the noble Lord, as he hoped he should be told, that his salary would be done away with, inasmuch as he had an office in which he had nothing whatever to do, he should be obliged to oppose the Vote.

**LORD FREDERICK CAVENDISH** said, it was impossible to abolish these offices, inasmuch as they were of a permanent nature, and could not be abolished without giving compensation. He imagined that the Pursebearer had duties to perform; for, after careful consideration, it was determined by the late Government that the office should be maintained.

**MR. FINIGAN** said, he thought that a Liberal Government should do something more in the way of reduction of expenditure than a Conservative Government had done. The Conservative Administration had managed to reduce this Vote by £250; and he (Mr. Finigan) thought that the Liberal Government, with the views they entertained with regard to economy in expenditure, should abolish the Vote altogether. This office was really useless, and he should like either of the hon. and learned Gentlemen, the Solicitor and the Attorney Generals for Ireland, to tell the Committee what the duties of the Pursebearer were.

*Mr. Arthur O'Connor*

**LORD FREDERICK CAVENDISH** said, that the scheme which had been adopted with regard to these offices would not come into operation until after the death of the present holders.

*Vote agreed to.*

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £17,709, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1881, for such of the Salaries and Expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of Her Majesty's High Court of Justice in Ireland as are not charged on the Consolidated Fund; including provision for certain Officers of the Supreme Court of Judicature in Ireland, and for the Trial of Election Petitions."

**MR. ARTHUR O'CONNOR** said, he should like to ask the noble Lord the Secretary to the Treasury, why the salary of one of the taxing masters had been increased from £600 to £1,000 at one jump. The salary of one of the taxing masters was stated to be taken from the Consolidated Fund; whereas the salaries of the Clerk of the Writs and other functionaries were placed upon the Votes.

**LORD FREDERICK CAVENDISH** said, that these gentlemen were appointed under different conditions, and the system of payment from the Consolidated Fund had been abandoned with regard to the officers more recently appointed. For the future, these salaries would all be taken by Vote, and would not be charged upon the Consolidated Fund.

**MR. CALLAN** said, perhaps the right hon. and learned Gentleman the Attorney General for Ireland would explain why the item for the expenses of the Election Judges in Ireland for 1878-9 amounted to £220, while there were no Election Petitions to be tried in Ireland. The Vote taken for the reception of the Judges amounted to £100. During the present year there had been five Election Petitions tried, and two prolonged inquiries had been held, and yet only the same sum was charged on account of Election Petition expenses. He did not understand, if £100 was sufficient to cover the expenses for the reception of the Election Judges when no Petitions were tried, how was it that the same sum covered the expenses when two Judges

were employed upwards of five weeks trying the Petitions?

MR. ARTHUR O'CONNOR said, that on page 252 it was stated that the taxing master had had his salary raised from £600 to £1,000. It did appear to him that the salary of this officer should not be raised in such a liberal manner. Similarly, in regard to the office of the Clerk of the Writs, there was a note stating that—

"The office would cease when the Records were moved to the new building. The salary of the late Clerk of Writs was charged on the Consolidated Fund. The present Clerk of Writs holds office subject to future legislative changes."

He thought that it was time that the sum of £800 a-year to these gentlemen was saved to the country. It was a strange thing to pay a man a salary for doing work which could be perfectly well dispensed with.

MR. SEXTON said, that in the case of one officer it was stated that the annual increment of his salary was £20; but it appeared, by these Votes, that, during the present year, his salary had been raised £40. With regard to the office of Writ Clerk, he hoped that the Records would soon be removed to the new buildings. With regard to the Crown Office, it might be in the recollection of many hon. Members that several persons were recently accused of seditious language, and had their trials removed to the Queen's Bench. They were told that it would be necessary for them to enter an appearance at the Crown Office; they presented themselves, upon a specified day, at very considerable trouble to themselves; but they were told that they could not be allowed to put in any appearance on that day, because the official in charge of the office had not the necessary papers. This was a similar case to an attendant at a village shop, saying that he was quite out of the article that he usually kept. It seemed to him (Mr. Sexton) that this was an instance of grave official neglect. The persons accused were told that it would be necessary for them to return on a future occasion, and they were thus illegally bound to put in a second appearance, when one ought to have sufficed. He begged to move to reduce the Vote by £240, the salary of the official of the Crown Office.

DR. COMMINS said, that he had great pleasure in seconding the Amend-

ment, that the salary of the officer who had been so grossly negligent in his duty should be reduced. This official had rendered it necessary for the persons in question to go a second time to the office, because he did not provide himself with the necessary printed forms. With regard to all these legal forms, the official in charge of the office ought to have been able without the smallest difficulty to have drawn them up, with the aid of the ordinary text books. No doubt, for the purpose of facilitating business, printed forms were usually filled up; but, in this case, if printed forms were not ready the necessary papers ought to have been drawn up in manuscript, so that individuals who wished to put in an appearance could have done so. It to him that the official in charge of this office was unworthy of his salary; and he had, therefore, great pleasure in seconding the Motion.

Motion made, and Question proposed,

"That a sum, not exceeding \$17,469, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of Her Majesty's High Court of Justice in Ireland as are not charged on the Consolidated Fund; including provision for certain Officers of the Supreme Court of Judicature in Ireland, and for the Trial of Election Petitions."—(Mr. Sexton.)

MR. ARTHUR O'CONNOR said, that he rose to Order. He said it was provided by the Standing Order of the 19th of September, 1867, that where a Motion was made in Committee of Supply to reduce a Vote, the Question should be put upon the Motion to reduce such Vote. That course had not been taken in the present instance.

THE CHAIRMAN said, that two items had been mentioned by the hon. Member together, and he should take it, therefore, as a reduction of the whole Vote, and not as a reduction of any particular item.

MR. ARTHUR O'CONNOR said, that if any hon. Member desired to make any reduction of a particular Vote, he supposed he would still be at liberty to do so.

THE CHAIRMAN said, that any further reduction could be moved.

THE ATTORNEY GENERAL FOR IRELAND (MR. LAW) said, that the

Votes had been prepared at the commencement of the year, on a calculation of the amount that would probably be required. The hon. Member for Queen's County (Mr. Arthur O'Connor) had pointed to a salary which was stated to be paid out of the Consolidated Fund. That was so at present; but when the present holder died or retired, that salary would disappear altogether as a charge upon the Consolidated Fund, and would be transferred to the Votes. With regard to the case of the officer whose salary was stated to increase by an annual increment of £20, having £40 added to his salary in one year, the explanation was that this was due to a re-organization of the office. The re-organization would ultimately result in the reduction of the number of officials from five to three. Meantime, the salaries of four of these officers remained charged upon the Votes, and the salary of one upon the Consolidated Fund.

Mr. GIBSON said, that with regard to the occasion which had been mentioned, when it was impossible for the persons charged with seditious language to enter an appearance, the facts, as would be recollected, were these—the Clerk of the Crown, who was a very excellent official, unfortunately had no more stamps on that occasion. He had only enough for one appearance; but the others did not directly seek to enter an appearance, but only asked for information on the occasion. He might say, from his own knowledge, that the Crown had served notices upon these gentlemen; and, therefore, they had an opportunity of entering an appearance subsequently. Unquestionably, the Clerk of the Crown was a necessary officer. From his (Mr. Gibson's) own opinion, he believed that, in this matter, he had acted with all the courtesy and consideration that was consistent with his duty. With reference to taxing masters, he was thoroughly well aware that re-organization was going on, although he did not know the exact figures at the present moment. At the beginning of the re-organization, there were five taxing masters paid very substantial salaries, and the effect of the re-organization had been to reduce that number to three.

Mr. T. D. SULLIVAN said, that as he was present on the occasion which had been referred to, when the official

at the Crown Office had not the necessary stamps, he could state that he had treated the gentlemen present with the greatest possible courtesy. Some of those gentlemen had come up at great personal inconvenience to themselves, and some said that they would not come up again. He believed that the reason for the stamps not being forthcoming was owing to a misapprehension in the Crown Office, and to the stamps being very seldom required. He should suggest to the hon. Member for Sligo (Mr. Sexton) that he should not persist in his proposal.

Mr. SEXTON said, that he did not think that the courteous explanations which had been given on both sides of the House with regard to the management of the Crown Office affected the question which he had raised. It was notorious in the country for weeks that these gentlemen would appear on a particular day, to put in an appearance; and as the result of their not being able to do so on that day, more than one expressed the determination to be rather brought up by force than put in a second appearance. After the publicity which had been given to this matter, however, he thought that greater carefulness would be pursued; and he should, therefore, withdraw his Amendment on that subject. With regard to the other point, he should ask that the Vote should be reduced by the sum of £40.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Mr. SEXTON moved to reduce the Vote by the sum of £40, as it was inaccurate upon the face of it by that amount.

Motion made, and Question proposed,

"That a sum, not exceeding £17,669, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for such of the Salaries and Expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of Her Majesty's High Court of Justice in Ireland as are not charged on the Consolidated Fund; including provision for certain Officers of the Supreme Court of Judicature in Ireland, and for the Trial of Election Petitions."—(Mr. Sexton.)

Mr. GIBSON said, the hon. Member appeared to think the Vote must be necessarily wrong, because it did not agree with the annual increment stated.

That, however, was not so; for the hon. Member would find that the Act of Parliament enabled a complete re-organization of business to be carried out. It would be found that the Irish Judicature Act of 1877 sanctioned a certain scheme of re-organization, by which certain offices could be abolished and others consolidated; and, if necessary, larger salaries given to existing officials by way of compensation. That very probably was the reason why this officer had been given a larger increase of salary in the present year than was justified by his annual increment.

Mr. ARTHUR O'CONNOR said, that, as upon the face of these Estimates they were inaccurate, he thought his hon. Friend was justified in moving the reduction. The explanation given by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) was of no use whatever. That explanation would not hold water; because he (Mr. Arthur O'Connor) had learned from the noble Lord the Secretary to the Treasury that the Estimates were prepared before the re-organization was carried out, and that they did not contain any provision with regard to re-organization.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Mr. BIGGAR begged to move to report Progress, as it was then 10 minutes to 2 o'clock. He thought it was scandalous to keep them there at that time. In his opinion, it was perfectly unreasonable to ask the Committee to proceed further with the Votes at so late an hour.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Biggar.)

LORD FREDERICK CAVENDISH said, he hoped the Committee would be pleased to go on with some of the other Votes which did not require discussion. He would be quite ready to stop when they reached a Vote on which there was to be some debate. The advantage of dealing now with those which did not excite much discussion was that, on the next occasion of going into Committee, they at once began with the Vote which required to be debated; whereas, if they

had the remainder of the Votes to pass which were not likely to excite much discussion, it would be quite uncertain as to what time the more important Votes would be reached.

Mr. A. M. SULLIVAN said that although the hour was very unusual, he would appeal to his hon. Friend the Member for Cavan (Mr. Biggar) to withdraw his Motion, and let the Committee go on with the Votes down to No. 32. Upon those which intervened there was not likely to be any very long discussion. It was quite true that no Motion to report Progress had previously been made; but then, on the other hand, it was fair to remember that they did not get into Committee until a very unusual hour.

Mr. ARTHUR O'CONNOR said, he would join in the appeal to the hon. Member for Cavan; for he thought they might finish Class III., if such Votes as the Dublin Metropolitan Police and the Constabulary and the Prisons Votes were held over.

Mr. FINIGAN said, he would agree to that, and he would ask his hon. Friend (Mr. Biggar) to withdraw his Motion, if the Government would also omit the Vote for the Court of Bankruptcy, and the next Vote for the County Court officers. There was now before the House a Bankruptcy Bill for Ireland of a very important nature, which, he was sorry to say, had been blocked by hon. Members on the other side of the House; and as he wished, on that Vote, to draw attention to the matter, he hoped the Government would leave them over.

Mr. PARNELL said, he was always averse to voting money after it was half-past 12; but, as they had had a very important debate on a very important subject, at a time which would otherwise have been devoted to these Estimates, he would ask his hon. Friend (Mr. Biggar) whether he could not strain a point that evening and allow this money to be voted, even at that late hour? Hon. Members who took the trouble to study the Votes performed a very thankless task, and were deserving of some consideration. He should certainly, therefore, have supported his hon. Friend in asking that those Estimates should be taken at a reasonable time, had it not been for the fact that they had themselves occupied



the earlier part of the evening. As the Government had agreed to postpone the Votes which were contentious, he thought it would be fair to take such Votes as were not contentious at once.

MR. BIGGAR said, he did not wish to stand in the way of the suggestion, and he would consent to withdraw his Motion, on the understanding that the Government would not take the Votes to which his hon. Friend had alluded.

MR. CALLAN said, the right hon. and learned Gentleman the Attorney General for Ireland had now a very good opportunity for facilitating Public Business and getting an additional Vote if he would drop the absurd County Courts Bill, which there was not the slightest chance of passing. If the right hon. and learned Gentleman had known what the Bill was, and what a job it was intended to cover, he might not have been so ready to bring it in.

THE CHAIRMAN: Order, order! It is not allowed to discuss a Bill before the House on the Question of Supply.

MR. CALLAN said, that he did not wish to discuss the Bill; but, as a motive had been imputed to him (Mr. Callan) in blocking the measure, he ought, at least, to be allowed to explain that there was some reason for doing that. He would suggest to the right hon. and learned Gentleman the Attorney General for Ireland that he would greatly facilitate Public Business if he would drop the Bill.

MR. O'SHAUGHNESSY wished to support the suggestion that the Bankruptcy Vote should be left over. A little discussion would probably clear the way for future legislation next year, and the proper application of public money.

Motion, by leave, *withdrawn*.

(5.) £7,121, to complete the sum for the Land Judges' Offices, Ireland.

(6.) £7,242, to complete the sum for Probate, &c. Registries, Ireland.

(7.) £995, to complete the sum for the Admiralty Court Register, Ireland.

(8.) £12,195, to complete the sum for the Registry of Deeds, Ireland.

(9.) £1,805, to complete the sum for the Registry of Judgments, Ireland.

*Mr. Parnell*

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Finigan.)*

MR. W. E. FORSTER asked, whether the next Vote was likely to be a contentious Vote? If not, he would like to take it.

MR. SEXTON said, it included the salaries of stipendiary magistrates, and that would certainly cause some discussion.

MR. CALLAN said, he had moved some time ago for a Return with reference to the County Courts of Ireland. For some reason, which had not been explained, the right hon. and learned Gentleman the Attorney General for Ireland refused to give him the Return. Now, he might point out to the right hon. and learned Gentleman that if that Return had been granted it would have saved a considerable amount of discussion, and might have enabled him also to have passed that Bill. The Return he (Mr. Callan) asked for was one giving the name and occupation of persons appointed Registrars under the County Courts Act, the duties assigned, and whether the office was discharged by the person appointed, or by a deputy. Probably, the right hon. and learned Gentleman would now kindly state that he would grant this as an unopposed Return, and so facilitate the discussion of these Votes the next day.

THE CHAIRMAN: That Question must be asked in the House; it cannot be asked in Committee of Supply.

MR. W. E. FORSTER said, he was obliged to the Committee for allowing the Votes to proceed so far that night. With regard to the course to be taken by the Committee when next it met, he was inclined to think it would be more convenient for the Committee generally, and, perhaps, more especially to hon. Members from Ireland, if he were to put down the Police Votes first. They would begin with the Metropolitan Police, and go on with the others. He did not wish to go out of the proper order, if that was inconvenient; but it seemed to him that it would be a preferable course.

MR. ARTHUR O'CONNOR asked, if the Government would take the Vote for Public Buildings immediately after?

LORD FREDERICK CAVENDISH said, he should think, after getting that Vote, they would proceed in order, and go back to Class I.

MR. SEXTON asked if the Government could give Notice of the Votes and of the order in which they would come on the Paper?

LORD FREDERICK CAVENDISH said, it had never yet been done, and there might be a question whether it could be; but he would see.

Question put, and *agreed to*.

House resumed.

Resolutions to be reported *To-morrow*;

Committee to sit again *To-morrow*.

#### IRISH (RELIEF OF DISTRESS) LOANS AMENDMENT BILL—[BILL 317.]

(*Lord Frederick Cavendish, Mr. Attorney General for Ireland.*)

##### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Frederick Cavendish.*)

MR. PARNELL said, that there was one point in regard to this Act to which he wished to direct the attention of the noble Lord the Secretary to the Treasury. By the 13th section, power was given to the Commissioners of Public Works to make loans to railway and other public companies, and to the trustees of canal, river, and navigation works, and to harbour commissioners. By the 14th section, it was provided that the baronies should be enabled to give guarantees in favour of such railways and other public companies or trustees of any canal or navigation; but the giving of a guarantee on account of harbour commissioners was entirely omitted. He did not know what opinion the noble Lord might have as to the legal effect of leaving out the harbour commissioners in that clause; but he (Mr. Parnell) had been asked whether the harbour commissioners could avail themselves of the Act? The question was whether the 14th section authorized extraordinary presentment sessions to give guarantees with reference to harbour commissioners.

LORD FREDERICK CAVENDISH said, that he thought it would be difficult to put in the harbour commissioners

in the clause; and he would remind the hon. Member that it was at his own suggestion that the works on account of which guarantees were to be given were to be inserted in a Schedule.

MR. PARNELL said, that he had not wished that harbour companies should be scheduled.

LORD FREDERICK CAVENDISH said, that he would consider the question raised by the hon. Member, and would deal with it upon Report.

Question put, and *agreed to*.

Bill read a second time, and *committed for Wednesday*.

House adjourned at half after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 24th August, 1880.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Employers Liability (199); Drainage and Improvement of Land (Ireland) Provisional Order (No. 4)\* (200).

*Committee—Report*—Post Office Money Orders\* (197).

*Report*—Fraudulent Debtors (Scotland)\* (202).

## AFGHANISTAN — MILITARY OPERATIONS—THE LATEST TELEGRAMS.

### QUESTION.

LORD EMLY asked the Secretary of State for Foreign Affairs, Whether Her Majesty's Government had received any recent information as to the result of the sortie at Candahar?

EARL GRANVILLE: My Lords, Her Majesty's Government have received the following telegrams, which I will read to your Lordships:—

"From Viceroy, Aug. 24, 1880.

"Following from St. John, Candahar, 21st:—  
"Sortie took place 16th against village on east face of city. Has secured us from further molestation on that side; but loss very heavy. Brigadier-General Brooke, Captain Cruickshank, R.E., Colonel Newport, 28th, Major Trench and Lieutenant Stevenson, 19th, Lieutenants Marsh and Wood, Fusiliers, and Rev. Mr. Gordon killed. Wounded—Colonel Nimmo, 28th, Major Vandeleur, 7th, and Lieutenant Wood, Transport, all severely; Colonels Malcolmson and Shewell. Casualties among men about 180. Lieutenant MacLaine, Royal Horse Artillery,

reported missing after Maiwand, prisoner in Aycoob hands, but well treated. Enemy throws a few shells in city occasionally and keeps up fire on ramparts from sharpshooters, but does little harm. Investment entirely trusted to Candahar troops and Ghazis, Cabulis being encamped round Aycoob three miles off on Herat road."

"From Viceroy," Aug. 24, 1880.

"A letter, dated 20th, from Colonel Tanner, commanding Khelat-i-Ghilzai, received at Chaman this morning, begins:—'I have heard from Roberts to-day. He is four marches off, and will be here 24th. We are all well, collecting supplies for Roberts, and on Candahar road. Well off for supplies here. Roberts expects to be near Candahar on 29th.'"

#### EMPLOYERS' LIABILITY BILL.

(*The Lord Chancellor.*)

(NO. 199.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, the measure was one of very great importance, affecting the interests of the whole industrial community in the Kingdom. It affected in an especial manner the interests of those large organizations of capital and labour which had been constantly increasing for many years past. The subject was one which had been of late much and carefully considered, and had been inquired into, as to one particular class of persons, by a Royal Commission, and more fully and generally by a Select Committee of the other House of Parliament. Bills were introduced in 1879 and in the first Session of the present year; and when Her Majesty's Government succeeded to Office they felt the question to be one of those which were ripe for legislation. They deemed it to be the best course to place the measure, in the first instance, before the other House of Parliament substantially in the same form in which it had been already introduced by a private Member, now holding Office under the Government—a form which sufficiently embodied the principle which they thought would lead to a proper solution of the question, but which they knew would in its details require much and close consideration. That consideration it had received from the House of Commons, and it was now presented to their Lordships in a shape which, notwithstanding the adverse criticism of those who were

opposed to its principle, would, he believed, more and more recommend itself to their Lordships as the details of the measure were understood. The object of the Bill was to alter, within certain limits and under certain conditions, the state of the law by which masters and employers of labour were exempt from responsibility for injuries sustained by their servants and their workmen in the course of their employment, by reason of the default or neglect of those who in point of law were deemed to be their fellow-servants. It was a necessary part of his duty to remind their Lordships of the actual state and the history of the law upon the subject. As long ago as the reign of Charles II., it was settled that whoever, by his own default or neglect, or by the default or neglect of his servants acting in his service, caused injury to another, that other person being a stranger, was answerable in damages. A familiar instance of the application of that law was that of a man whose carriage, when driven by his servant, ran over some other person or injured some other person's carriage by reason of the servant's neglect or carelessness; in that case the master was liable. Some persons, of whom he desired to speak with great respect, had pronounced that law to be bad and unjust—to be a departure from the sound general principle that a man was to be held answerable for his own acts and defaults, and not for the acts or defaults of others. He confessed he was not one of those who thought so; but, knowing that opinion to be entertained by many, he preferred to state the reasons for the law in the words of others rather than in his own—in the words of Judges of great eminence, which other Judges of not less eminence had from time to time approved—he meant Baron Alderson and Lord Cranworth. Baron Alderson, in a case which came before him in 1850, said—

"If the master, instead of driving the carriage with his own hands, employs his servant to drive it, the servant is but an instrument set in motion by the master. It was the master's will that the servant should drive; and whatever that servant does, in order to give effect to his master's will, may be treated by others as the act of the master. *Qui facit per alium, facit per se.*"

Lord Cranworth, in a later case, said—

"If the master himself had driven his carriage improperly, or fired carelessly, or negligently thrown the stone or brick, he would have

*Earl Granville*

been directly responsible; and the law does not permit him to escape liability because the act complained of was not done with his own hand. He is considered as bound to guarantee third persons against all hurt arising from the carelessness of himself or of those acting under his orders in the course of his business. . . .

A person sustaining injury in any of the modes I have suggested has a right to say, 'I was no party to your carriage being driven along the road, to your shooting near the public highway, or to your being engaged in building a house. If you choose to do, or cause to be done, any of these acts, it is to you and not to your servants I must look for redress if mischief happens to me as their consequence.' A large portion of the ordinary acts of life are attended with some risks to third persons; and no one has a right to involve others in risks without their consent."

Those reasons did not appear to him to be either absurd or unjust; but whether they were so or not, it was agreed on all hands that this general law had been so long and so well settled, its application had for so many years been so much reckoned on, that to materially alter or abrogate it was impossible. The question was, therefore, whether, in this state of the law, it was right or wrong that the benefit of the same principle should in all circumstances and in all cases be denied to a workman or a servant who was injured, in the course of the common service, by the default of a fellow-workman or fellow-servant? The history of the exception to the general law which had been introduced to the disadvantage of the workman or servant was very remarkable. Their Lordships would not understand him as throwing the slightest doubt upon the law itself, which was perfectly well settled, or the slightest reflection upon the learned Judges who from time to time contributed to determine and to build up that law. He was not himself by any means satisfied that the principles on which the law had been so settled were really sound; but, whether they were so or not, he had the most perfect confidence that this actual state of the law, with which their Lordships had to deal, was the result of the conscientious and careful application of the minds of most experienced lawyers to the impartial determination of the cases which came before them. It was certainly in favour of the course the law had so taken, that for about a century and a-half after the general rule was settled as he had stated, no claim appeared to have been made by a workman or a servant against his master

or employer on account of any injury arising from the neglect of a fellow-servant. The first case, that of "*Priestley v. Fowler*," arose in 1837. It was of this nature. A butcher's boy brought an action against the butcher, his master, because he had been injured by the breaking down of a cart which was overloaded, on which he had to go about his master's business. It was held in that case that as he was his master's servant, and had been upon his master's business, he had no remedy. That decision was pronounced by a very considerable man, the first Lord Abinger, though it could not be said that the reasons given for it were very clear or distinct. One reason given for it, as far as he could understand, was that of the novelty of the action, which, no doubt, was a considerable ground; another seemed to depend upon grounds of expediency, into which he would not then enter. Thirteen years afterwards—in 1850—two other cases came before the Court of Exchequer, which at that time consisted of the late Sir Frederick Pollock, Baron Alderson, Lord Cranworth, then Baron Rolfe, and Lord Wensleydale, then Baron Parke; and it would be difficult to mention Judges of higher reputation. The first was the case of a railway servant who was injured in a collision while travelling by one of the Company's trains on the business of the Company, the accident having arisen from the default or neglect of the engine-driver of one of the engines coming into collision, with whom the injured man had nothing to do, and over whom he could exercise no control. It was held that although, if an ordinary passenger had met with the injury, damages might have been recovered; yet because he was a railway servant, travelling in a railway carriage of the Company and under their orders, he was not entitled to any compensation. The other case was that of a bricklayer who had, under the orders of his master, mounted a scaffold which the foreman had by the master's direction erected. The bricklayer could have known nothing whatever about it; he fell by reason of a fault in the scaffold; and it was held that because he was in the same employment as the other man whose duty it was to erect a proper scaffold he could have no remedy. The ground of these two decisions was, that servants in a common service contracted to bear all the

risks incident to that employment. Upon those decisions was founded what has since been known as the doctrine of common employment, never until that time heard of in the law of this country. In the years 1856 and 1858 two similar cases came from Scotland to their Lordships' House. In Scotland a different doctrine had been growing up, and doubtless would have been long ago settled as the law of Scotland, but for the natural disposition of their Lordships' House to hold that, on such a subject, the law must be the same in both countries. The Lords who took part in the decision of those two Scotch appeals had some of them been concerned in the earlier English cases, and they, not unnaturally, brought the Scotch law to the level of what had been determined to be the English law. They did so, however, with some very important qualifications—qualifications which, if he did not misunderstand them, had since disappeared in the further progress of the doctrine. Lord Cranworth adopted substantially the doctrine of Baron Alderson, but reconciled it, nevertheless, with some earlier Scotch decisions, of which two had been affirmed in the House of Lords, upon the ground that it was consistent with that doctrine that the master should have important duties towards the workmen, obliging him to see that the machinery and everything of that kind was in proper condition; duties, for neglect of which, though performed not by the master in person, but through a servant or agent, the master might be held liable. Both Lord Cranworth and Lord Chelmsford also intimated an opinion that the doctrine of common employment would by no means necessarily extend to all persons who were servants under the same master, unless they were in the same department of his business. A remarkable illustration of this was furnished by an action brought against the late Mr. Brasey, on the ground that, as contractor for certain works on the Caledonian Railway, it was his duty to see that a block was attached to a break on which workmen would have to step for the purpose of uncoupling waggons on the line. One of the workmen in the same employment was charged with this duty, and neglected to perform it; the consequence of which was that another workman, stepping in the

course of his service upon the unblocked break, was thrown down and either injured or killed. It was held that the master was liable in damages to the servant for non-performance of the duty of having the break blocked in a proper manner. The decisions of the House in 1858 were followed, ten years later, by another Scotch case, which also came to that House in 1868. It was a case of the greatest possible hardship. Men were employed to work a vein of coal on the side of a deep pit. A scaffold had been erected on the side of the pit to enable the workmen to open the vein. The scaffold impeded the ventilation, which, by a duty expressly imposed on the master under an Act of Parliament, ought to have been kept in a proper state. The ventilation being thus obstructed, firedamp formed, and the poor boy, who had no notion of any danger, lit his lamp, and was killed by the explosion which followed. With the making of the scaffold the boy had nothing whatever to do; it had been made by one of the master's principal agents, and the boy had not disobeyed orders, and did nothing which was not in the strict course of his duty; and yet it was held that the boy and the principal agent were in a common employment, and that the friends of the boy were, therefore, not entitled to compensation. It was difficult, in that case, to suppose that the boy had made a bargain to bear that risk; but his noble and learned Predecessor (Lord Cairns), obliged, as he undoubtedly was, to follow previous decisions, moved the judgment of the House to affirm the decision of the Court of Session that the relations of the boy had no remedy. In doing so, he endeavoured to place the foundation of the law upon a broader footing than the doctrine of common employment, and put it upon a ground at least more logical and consistent, though, when examined by the light of reason, not really more satisfactory, that the master did not contract to indemnify the boy. His noble and learned Friend said, in substance, that the relation between the parties, in cases of this kind, being created by contract, in the contract, or nowhere, they must find the master's liability. He went on to say that the servant knew whether the master himself managed the concern or employed other people to do so; and that when he

employed other people he could not be held to undertake to do more than employ proper and skilful servants and furnish them with proper materials. The same view had commended itself to an American Court, at an earlier date—1842—when a very able Judgment was given in the State of Massachusetts; it also commended itself to Lord Justice Bramwell, who gave evidence before the Committee of 1856-7. One case more brought this doctrine to what might be called its culminating point. It was a case which occurred in Scotland in 1877, when seven Judges of the Court of Session held—though he was bound to say Lord Moncrieff did not agree with them—that the same doctrine applied where an accident happened to a person employed by a contractor to do certain necessary work in a mine through the fault of the underground manager of the mine, who was the servant of the mineowner and not the servant of the contractor. The notion of common employment was in this case expanded and transformed into that of a common organization of labour; and it was held that if anything brought together the sufferer and another person employed in the same organization of labour, so that you could perceive some connecting link running through the whole work, though these persons might be at opposite ends of it, and had nothing to do with each other except that the neglect of the one was the cause of the other's injury, then the master was not liable. That was the condition to which the law had been brought. The whole of this remarkable superstructure had been erected on a foundation of mere general principles, general policy, and judicial reasoning. In one of the cases which he had mentioned, an eminent Judge, Lord Abinger, said that, in the absence of precedent, they had to decide the question on general principles, and to look to the consequences of the decision one way or the other. Lord Cranworth had expressed himself in a very similar way, and had spoken of the necessity of looking at the general considerations arising from the relations of master and servants *inter se*, and the relations external to their own body. "And so," he said, "we endeavour to trace our way as well as we can between conflicting analogies, hoping to arrive at a sound decision." Now, no one could deny that an Assembly such

as their Lordships' House was quite as capable of examining general principles, which were really principles of legislation, as the Judges themselves, or that they ought, in conjunction with the other House, to alter this law if it seemed to them inconsistent with a sound view of abstract justice and public expediency. It was to be borne in mind that in other countries men had, on the whole, taken a different view of the consequences to which such pure processes of reasoning would lead them. The law of Scotland would at the present moment have been exactly opposite to that of England had it not been for the power of the House of Lords, in dealing with the question upon general principles, to reduce the one law to a state of conformity with the other. An eminent Scotch Judge, Lord Shand, had for some years past manifested a keen interest in the subject; and both in an Address to the Glasgow Judicial Society, and more recently in a long and able letter to one of the public journals, he had expressed his own views, which were in accordance with the existing law and adverse to the present proposed legislation. He could not, therefore, quote any more impartial authority as to the history of the Scottish law upon this subject. In his Glasgow Address of 1859, Lord Shand made the following statement:—

"It is no doubt true, that for some years in the progress of our law in the course of the decision of questions of liability (1839 to 1868), certain eminent Judges stated that the principle by which it was held that a master was liable to strangers for injury caused by the act of his servant was, in their opinion, equally applicable to a case of injury occurring within the circle of service; and it may even be said, as stated by the Dean of Faculty, Mr. Fraser, in his work on *Master and Servant*, that for a time the understanding of at least a majority of the Bench and Bar of Scotland was to that effect."

But it was not alone in Scotland that the light of natural reason had led Judges to conclusions different from that of the existing law. The law of France, and of all other countries that had adopted the *Code Civil*, made masters and employers responsible, generally, for injuries caused by their servants and managers in the functions in which they were employed. That law had been expounded by the Cour de Cassation as giving a servant the same rights as a stranger. The German Commercial Code as to railways, mines, and factories, contained provisions

of the same character. He did not understand why the German law did not go further, and apply the same principles to other kinds of employment also; but those were the three greatest organized industries, and that law, as far as it went, distinctly established the liability of the master. In America the principle of the decision on which the doctrine of common employment was based had, indeed, been adopted and developed in Massachusetts; but legislation and later decisions in some other States had proceeded, more or less, in a different direction. The State of Missouri, for instance, had adopted, as to railways, the principle of the present Bill; and the Courts of the State of New York, though they had not made the master liable for the faults or neglects of his subordinate agents generally, had yet held Companies liable for the faults or neglects of those to whom their general management was delegated. Before he went further, he wished briefly to state his own view of the principles involved in the question, and of what appeared to him to be fallacies involved in the reasoning on which the existing law was based. In the first place, it was said that the case of a fellow-servant differed from that of a stranger in this respect—that his relations with his master being constituted by contract, he was a party, a consenting party, to the work in the course of which the injury was done. That was perfectly true, and it was important to bear that distinction in mind in order to see how far it would be proper to go in giving a servant a remedy. When there was a contract, it was necessary to examine it, and not to impose upon either party liabilities which, upon a sound and reasonable construction, were either expressly or virtually excluded by the contract. But with the next proposition, that when there was a contract between master and servant, the master could be under no liability to the servant for injuries suffered through the fault of his agents, unless an undertaking to be so liable was one of the terms of the contract, he could not agree. It was admitted on all hands that a master was in some cases liable—as, for example, for injuries caused by his own negligence—and yet there was no contract for this, any more than for the larger liability. Though the master did not warrant his servant against certain things, he was,

nevertheless, answerable for what he himself did, or, contrary to his duty, omitted to do; and it was difficult to see why, being so liable, he should not also be liable for the acts or defaults of his agents, when he entrusted them with the performance of those things which on his part ought to be done. Injuries arising from such acts and defaults could not be ordinary risks which the workman contracted to take upon himself, in the case of a master managing his business by his agents, and, at the same time, risks of an extraordinary kind which the workman did not contract to bear, when the master managed his own business. He did not believe it was at all true that wages were computed upon the principle of covering any such risks. When an employment was dangerous, he agreed that the unavoidable danger was one of the elements of the bargain; and it was both fair and reasonable to say that the workman agreed to run all ordinary and unavoidable risks incidental to the employment, which the master, or those placed by him in positions of authority for the purposes of his business, could not, by any proper care and diligence, have prevented. But everybody knew that wages would in the long run be determined by the law of supply and demand; and to suppose that there was a definite addition made to wages in any case whatever on account of the non-liability of the master for a particular class of accidents was a theory which, for his own part, he did not believe in. Lord Deas said, in *Woodhead's case*—

"If the maxim, *Culpa tenet suos auctores*, were held to be the general rule in questions of liability for default or negligence, the law would be consistent and of easy application. But when that maxim is applied exceptionally to relieve a master from liability to his servant for the fault or negligence of a fellow-servant, it does not sufficiently justify this exception simply to say that a servant undertakes all the risks incident to his contract of service. You must go further, and affirm that one of the risks so undertaken, as incident to the contract of service, is the risk of injury from the fault or negligence of fellow-servants. That is really an exceptional application of the maxim, *Culpa tenet*; and when you have rejected the rule, it is not easy to justify the somewhat invidious exception. To say the risk is included in the wages is not, to my mind, a satisfactory explanation."

It was said that the case of a workman was not like the case of a passenger. Now, a passenger by a railway could only recover damages when the accident

was owing to some fault or negligence for which the Company was responsible. Compare the case of an ordinary passenger and that of Mr. Hutchinson, who was travelling in one of the Company's carriages by the Company's orders when the train was run into. What was the difference between the two cases? It was said that the passenger paid money to the Company, whereas the servant received money from the Company. But, in both cases alike, there was an exchange of money for money's worth. The passenger got the value of his money in being taken on his journey, and the servant gave his work and labour for the money he received. In his opinion, there was no difference of principle between the two cases. Then came the argument which prevailed in the last case decided in that House. It was to the effect that when a master did not superintend the work himself, and when the workman was aware of that circumstance, the master was only answerable for negligence in performing his own part. He agreed that a master ought to be only answerable for not performing his own part; but the real question was, what was that part? The master carried on the work for his own profit, and he could not understand why it should make a difference to the workman whether the master did, or did not, employ someone else to act for him. It seemed to him that if we were to imply a contract, the contract to be implied was that each of the contracting parties should do his part, and that the master should do his part properly, whether personally or by any agents whom he might choose to employ, so as to enable the servant to do his. What was the contract of an engine-driver on a railway? What was the engine-driver's part? To drive properly the engine entrusted to him for that purpose. But how could he do this, unless the Company which employed him provided him with an engine fit for the work, and carriages or waggons fit to be attached to it, and with a line in proper condition for the passage of the engine and the trains, and also made proper provision for signals, points, and the like? Was it not their part of the contract that all these things should be so provided, and kept in such order, as to enable him to drive his engine safely? Ought not the Company to be liable to him for injuries which he suffered by their omission or

neglect properly to provide for these things, even on the principle of contract, although they entrusted some of their agents or servants with the performance, on their behalf, of these parts of their duty? The case was, if possible, still stronger, when the master gave authority to one person in his service to give orders to another, which the servant receiving them was bound to obey. He could not for the life of him understand why a man who gave orders by an agent should not be just as responsible as if he gave those orders himself. The late Mr. Justice Willes thus laid down the general law on the subject of agency—

"The master is liable for every such wrong of his servant or agent as is committed in the course of his service and for the master's benefit;" because (although he may not have authorized the particular act) "he has put the agent in his place to do that class of acts; and he must be answerable for the manner in which that agent has conducted himself in doing the business which it was the act of his master to place him in."

Why the effect of what was done under that delegated authority should not be the same, for all purposes, as if it emanated directly from the master himself, he confessed he did not understand. He was aware that men of great authority held different views from his own; but to him every reasonable consideration appeared to be in favour of the change in the law now proposed. He might enumerate very shortly the steps which had led to that proposed change. In the year 1877 two important Reports were made on the subject, one by a Royal Commission on Railway Accidents, the other by a Committee of the House of Commons. It appeared from the evidence taken by the Royal Commission that the number of accidents on railways was very great. He believed that in the year 1875 there were 4,385 accidents to railway servants, affecting life or limb, reported to the Board of Trade; and the Railway Companies admitted 39 deaths and 514 cases of injury to have been from causes beyond the control of the servants concerned. The Royal Commission, influenced by these facts, reported in favour of the principle of the present Bill, so far as regarded Railway Companies—namely,

"That where a railway servant could establish against any official of the Company empowered to direct the act or control the matter complained of such proof of negligence as would



make him liable if he were himself the master, his negligence should be deemed to be negligence on the part of the Company."

The Committee of the House of Commons did not go so far. They examined a great many witnesses, in whose evidence two views struggled for ascendancy. Those who represented the masters contended, without qualification, for the justice and expediency of the existing law; those who represented the workmen, on the other hand, were for abolishing all distinctions between themselves and strangers, and entirely throwing aside the element of contract, as without any bearing upon the case. Between those extremes there was a middle view, which, to a very limited extent and with much qualification, received the support of the Report of the Committee and of some of the witnesses who were favourably disposed to the existing law, particularly Mr. Joseph Brown, a Queen's Counsel of eminence, who had paid great attention to the subject. Mr. Brown did not think the existing law unjust; but he acknowledged that the workmen suffered a hardship when they were injured through the orders of a manager, director, overseer, or foreman, over whom they had no control. And the Committee reported in favour of the application of that principle to cases in which the whole management of the business was delegated to another person than the proprietor. Such a limitation of the principle appeared to him very arbitrary. If it was sound, it ought unquestionably to go further, as the noble Viscount (Viscount Sherbrooke), who was Chairman of the Committee, proposed, in a very clear and able draft Report, which the majority of the Committee rejected. The noble Viscount proposed to carry out the principle to its full extent—to make the master responsible for injuries sustained through the acts or defaults of his agents, having any superintendence or authority under him, of whatever degree. The whole result of the investigation might be thus summed up. Opinions were very much divided; eminent Judges took different views; all the workmen were on one side, and most, if not all, the masters on the other; Mr. Joseph Brown, and one or two other witnesses, taking a middle course. In those circumstances, it was not possible that the law could remain as it was. The late Government, in two successive Ses-

sions, once in the House of Commons, and once in their Lordship's House, introduced a Bill dealing with the subject, on principles which, as far as they went, appeared to be undistinguishable from those of the present Bill. They were, indeed, in that Bill confined to the three cases of railways, mines, and factories; but the omission of all other industries, as well as of the case of defective plant and machinery, could scarcely be regarded as representing any settled and deliberate view on the part of the Government; for the Bill was referred to a Select Committee, in order that the cases to which it should be made applicable, and the definition of those cases, might be more accurately considered. As to railways, the terms of that Bill were satisfactory; but in the cases of mines and factories, the remedy did not appear to be sufficiently large. It was very possible that if the late Government had remained in Office that that Bill might have emerged from the Select Committee in pretty much the same form as the one now before their Lordships; because, the principle of that measure being once accepted, it was difficult to see why it should not be carried further. The present Bill, despite much adverse criticism which he had seen in the newspapers, would, he believed, on the whole be satisfactory to their Lordships. It had been the subject of anxious consideration in the House of Commons, and the work of revision had been there well performed. It was strictly limited to cases of injuries through the acts or neglect of persons in authority; which, he thought, was the just and sound principle. Objections had been taken to the drafting of the 1st and 2nd clauses; but as those clauses must be read together, he did not see that there was any practical inconvenience in enumerating in the one clause, in general terms, the cases of responsibility, and in the other the conditions and limitations by which that responsibility was meant to be circumscribed. The Bill excluded only two classes of employment, those of domestic servants and seamen, which were the subjects of other special legislation. It did not extend to the servants of the Crown, in the Dockyards and elsewhere, where the present conditions of the service were at least as beneficial to them as if they had been within the scope of the Bill. But it included every

other class of persons who had contracted to render service to a master or employer. He proposed, in the 1st clause, to omit the words "stock-in-trade," which had created some alarm among agriculturists and others; and, therefore, in explaining the clauses, he would do so without reference to those words. The words—

"By reason of the negligence of any person in the service of the employer who has superintendence entrusted to him while in the exercise of such superintendence,"

must be read with the declaration in the Interpretation Clause, that the expression—

"Person who has superintendence entrusted to him" means "a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour."

The 3rd sub-section—

"By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, where such injury resulted from his having so conformed,"

would include persons placed over works or operations of a particular kind, though they might not be exercising a general superintendence. The 4th sub-section, which said—

"By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or bye-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf,"

was limited by the 2nd clause, so as not to include rules or bye-laws made or approved, under any Act of Parliament, by a public authority. The provision relating to railways, which said—

"By reason of any negligence of any person in the service of the employer who has charge or control of any signal, points, locomotive engine, or train upon a railway,"

was not, as it might at first sight seem to be, exceptional legislation as to railways; it was merely the application of the same general principle to some very important kinds of delegated authority, peculiar to and necessary for the management of railways, which the terms of the preceding definitions might not have covered. The other clauses of the Bill he might pass over, except the 3rd, which limited the amount of compensation, so that it should—

"Not exceed such sum as may be found to be equivalent to the estimated earnings, during the

three years preceding the injury, of a person in the same grade employed during those years in the like employment, and in the district in which the workman is employed at the time of the injury."

The 4th clause, he might add, limited the time within which an action under the Bill might be brought; and he might, perhaps, mention that he intended in Committee to propose an alteration which would extend the time for bringing an action in case of death from six to twelve months. Before he concluded he should like to refer to some of the practical objections which had been made to the Bill. He concurred entirely with those who maintained that if the introduction of such a change of the law would have a real tendency to cripple or destroy great branches of industry, even though it might be justified in the abstract, it would not be for the interest of the community, it would not be for the interest of the working men more than for that of the employers, that such a change should be made. It would be far better that the law should remain as it was, than that those great branches of industry should be crippled and employment decreased. Some persons were of opinion that, especially in the case of mines, consequences of that kind might ensue from the operation of the Bill; but he was confident the apprehension of any such result was a chimera. In the first place, the whole of the evidence which had been taken before the Commission and the Committee to which he had referred tended to show that the very great majority of accidents which occurred in mines were not due to faults in the plant or machinery for which the employer would be responsible, or to acts improperly done, or orders improperly given, either by the master or by any of his agents; but to the faults or carelessness of particular workmen entrusted with no authority over others, or to other unavoidable causes for which this Bill would not make the master responsible at all. He had received from a high mining authority calculations, based on the numbers and wages of persons employed in mines, and the number of accidents to such persons in 1879, of what would be the total amount of the liability of owners of mining property against which they might have to insure, or which they might have to bear

if they did not insure. Taking the proportion—which was much too high—of one-third of the whole number of accidents of every kind as being the extent to which compensation might have to be made under this Bill, what did their Lordships think would be the addition to the price of each ton of coal that would have to be made to cover that insurance? It would be less than one farthing per ton. That their Lordships might not suppose this to be an arbitrary assumption, he would give them the elements of the calculation upon which that result was based. In the year he had mentioned the total tonnage of coal and minerals raised was 145,366,369 tons. The total number of persons employed was 476,810, and the average earnings of those persons, taking all classes together, did not exceed £50 per annum. The whole number of fatal accidents was 973. Taking the maximum of compensation which this Bill would allow at three years' wages, and reckoning the wages of each person killed as equal to but not exceeding the general average, the amount to be paid for those 973 accidents would have been £145,950. Taking the other injuries inflicted at one for every eight men—which was the ratio in North Staffordshire in that year, according to the Returns of the North Staffordshire Relief Fund—that would give 59,601 men; and upon the theory, justified by similar experience, that no person so injured was under relief, on an average, for more than five weeks at 15s. per week, or two-thirds of his full wages, the total amount would be £223,503 15s., which, added to £145,950, would give £369,453 15s.; so that, assuming one-third of the accidents to be within the operation of the Bill, the compensation, if spread over the whole number of accidents from every cause, would be less than a farthing per ton. He would not trouble their Lordships by dwelling at length on other objections which had been made to the Bill. It was said by some that the Bill ought to have dealt with this subject by way of insurance, and that the present insurance funds would be interfered with. But the masters might, under this Bill, insure against their liability, and the workmen would continue to insure against those numerous accidents which the Bill would not cover. The thing would right itself, and there could be nothing more unwise than to attempt

to deal with insurance in a compulsory way by legislation. It was said that a motive for carefulness on the part of the workmen would be removed. Their Lordships could not really believe that men would purposely endanger their lives and their limbs in order to get compensation under the Bill. If they were careless, they would have themselves to bear the consequences of it. It was only for accidents due to the carelessness of those above them, without contributory negligence on their own part, that they would get compensation. If he were to enter into the question of carelessness at all, he believed the effect of the Bill upon the masters would rather be to make them more careful to have proper superintendence, and so to prevent the occurrence of accidents. All classes of the community would be benefited if that were the case. The only other practical objection he had heard of was that there would be an enormous quantity of litigation, and that juries would be giving improper verdicts. Lord Justice Brett did not think so. It was, no doubt, a matter of common experience that in cases where there was a good deal of difficulty, and much to be said on both sides, where a master was to blame, and a servant, on the other hand, was accused of contributory negligence, there was a leaning on the part of most juries in favour of the servant. But there would be no room for any such leaning, if the master or his agents were not at all in fault; and their Lordships might, he thought, assume that, under the guidance of the Judges of England, the juries would, on the whole, do their duty. In conclusion, he asked their Lordships to pass the Bill; because it was more just than the existing law, because it would bring our jurisprudence more into accord with that of other civilized countries, and because it would, at the same time, satisfy to the full extent that was reasonable, a demand on the justice of the Legislature made by the great mass of the people who were engaged in industrial pursuits, and would put all persons engaged in such pursuits in a position of equality, no matter what their particular branches of industry might be. That our industries would go on and flourish, he not merely believed, but he founded his belief on the test of experience. He appealed to their Lordships whether the industries of France and Belgium did not

flourish, though their laws in this respect were more stringent than anything here proposed? He trusted their Lordships would not be led by rhetorical exaggerations or unreasoning alarm to believe that the great industries of this country were unable to bear such a change in the law. The Bill had nothing in it which could justify such fears; and he, therefore, asked the House now to pass the second reading in order that the provisions of the Bill might be carefully considered in Committee.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
—(*The Lord Chancellor.*)

VISCOUNT ORANBROOK said, that inasmuch as he was not going to offer any opposition to the second reading of this Bill, he would not occupy much time in his few observations on the speech of the Lord Chancellor. The late Government had taken the view that some interference was necessary in the present relations of employers and working men, and the Bill they brought in was one of a very general character, and was brought in with the view of being carefully considered by a Select Committee of their Lordships' House. When he heard the noble and learned Lord begin his speech by telling them that the subject was ripe for legislation, he could not help stating that it was not generally agreed amongst the masters, or even amongst the workmen, that this ripeness existed. There was much difference of opinion in their deliverances on the subject; and, therefore, when they came to deal with this subject, they should carefully consider what the alterations of the law should be, and so define the principles they laid down, that the effect of their legislation might not be to injure trade and industry on one side or the other. It had been rightly observed that if there was any interference with the due employment of capital in this country, the workmen would eventually suffer. The experiences of foreign countries ought to teach this country the necessity of being definite and precise in its legislation on the subject, so as to bind the Judges as to the effect of that legislation, and not leave them to interpret it according to their discretion. They must remember that it was County Court Judges who would be called on to interpret it. They ought not to be left to lay down prin-

ciples of law without due guidance. The noble and learned Lord had viewed the Bill in a most optimist manner. He had gone so far as to soothe the minds of capitalists as to the amount of compensation they would be called on to pay under it. He had, for the re-assurance of coalowners, described a farthing per ton on coal as its utmost limit, and had said this was too trifling for consideration. But it was not thought too trifling for consideration when it was added to the cost of carriage of coal. He believed that the Bill would open up a new field for litigation, especially on the part of law attorneys. Their Lordships should endeavour to prevent its having this effect. There was one point which had been entirely left out in that Bill, and which ought to be attended to, and that was the question of security for costs. If workmen were to be allowed to litigate, they ought, at least, to give some security, so that in the event of failure they would be able to pay the costs. This measure, as he understood it, was the product of the Bill originally introduced by Mr. Brassey in the other House. Mr. Brassey's Bill, however, underwent the most extraordinary process he had ever heard of, for when it came to a second reading, it was proposed that it should be read a second time on the understanding that nothing was to be assented to except that the law required alteration. When it was thus read, it was committed *pro forma*, and then it disappeared. Another Bill ultimately took its place, and the new Bill had been altered over and over again. The noble and learned Lord said that it underwent that process in order that it might be made perfect. Well, if that were so, all he could say was that perfection was very easily attained. That was a matter, however, which they could consider hereafter. The alteration which the noble Lord himself proposed showed how carelessly the Bill had been dealt with, for it was only the other night that the proposal now made by the noble and learned Lord was refused peremptorily and without hesitation by his Colleagues in the House of Commons. The Bill was, therefore, practically before their Lordships' House in a new shape. Their Lordships, from what had passed "elsewhere," did not know what would or would not be accepted; and at the last moment they found themselves driven to consider

a measure which bristled with litigation, a Bill which ought to be maturely considered, that the decisions of the County Courts in cases arising under it might be clear and satisfactory. For his part, he believed that there were not five Members of the Government who, if they were taken separately, would give the same interpretation of the same clause. Everyone admitted the difficulty of interpreting the Bill. He could not, therefore, but regret that the Bill had been so hastily drawn; that it came before them at so late a period, and, even then, with an important alteration proposed to be made in it. He was anxious that what was done should be satisfactory alike to the masters and the workmen. He was sure there was no master in the United Kingdom who, if he did not show due care for his workmen, would get the best work out of them. He did not wish, in any degree, to stand in the way of justice being done to the workmen, but he wished that care should be taken that, in giving justice, they should not go far beyond the necessities of the case, or unduly strain the relations between capital and labour—for, if they did, the result would be injurious to the workmen; for, in the end, it would lead to the destruction of trades which flourished under the present law.

LORD BRABOURNE: My Lords, I am very reluctant to trespass upon your Lordships' time and patience at this period of the Session. Inasmuch, however, as I am here to-night on behalf of that which is certainly one of the largest commercial interests in the Kingdom, and am specially charged by the representatives of that interest with the duty of expressing their views upon the present Bill, I cannot do otherwise than ask permission of your Lordships to perform that duty. And first, my Lords, I must express my deep regret that a measure which affects all the great industrial employments of the country, and which proposes to materially alter the relations which have hitherto existed between employers and employed, should only come before your Lordships for discussion upon the 24th of August, at a time when it is absolutely impossible that it should receive that full consideration and that careful criticism which the importance of the subject demands.

EARL GRANVILLE: Why?

*Viscount Cranbrook*

LORD BRABOURNE: My noble Friend below me asks why. Why? My Lords, because men's intellects are more jaded and fatigued upon the 24th August than at an earlier period of the Session; and although the work may not tell in an equal degree upon the great intellectual and physical powers of my noble Friend, yet ordinary men are but too susceptible of its effects. It is true, my Lords, that a Bill upon the same subject was introduced to your Lordships' notice so long ago as the month of February by the late Government, and was very properly referred to a Select Committee. But the Dissolution of Parliament intervened. I believe the Committee never met for actual Business; and your Lordships are now asked to pass a Bill of a much wider scope and character, which has not only never been subjected to the ordeal of a Select Committee of either House of Parliament, but is actually at variance with the Report of the House of Commons' Committee which considered this subject three years ago. My Lords, conceal it from ourselves as we may, this Bill is only a phase in one of those contests between capital and labour which, in a country like our own, will inevitably arise from time to time, and which require to be dealt with in a wise and statesmanlike spirit when they assume the form of legislative proposals. If we look back upon the history of this question we shall find the records of many similar struggles, and we shall probably rise from the perusal with the conviction that neither party has been always in the right. In old times, no doubt, many laws have been placed upon the Statute Book in the supposed interest of capital, which have been vexatious, restrictive, oppressive, and unjust towards labour. Again, in many instances, and even within the memory of all of us, action has been taken in the supposed interest of labour, which has assumed the form of opposition to the introduction of improvements; of riots, resulting in the breaking of machinery; of strikes, injuriously disturbing the labour market; and of other attempts to coerce, intimidate, and embarrass capital. But the tendency of our legislation has gradually been to render the relations between capital and labour more and more free and unembarrassed; and the inference which I venture to draw from the history of the past is this,

that the relations between capital and labour are of so difficult and delicate a nature that it is most desirable to avoid, as much as possible, the subjecting them to legislative interference; and that when legislation upon the subject appears to be desirable, it is necessary that any proposal submitted to Parliament should be so submitted at a time and in a manner which shall ensure for it, both as to its principles and its details, that careful attention and close scrutiny which are impossible at the present moment. Still, my Lords, although your Lordships come to the consideration of this measure under great disadvantage, it would not be right to forget that some attention, though at a late period of the Session, has been bestowed upon it in the other House of Parliament; and we cannot deny that the Bill has some considerable support and sympathy from the outside public. It is only natural that this should be the case. The instances of loss of life or limb by accident are, unhappily, but too numerous. A philanthropic impulse urges the public mind to desire that in all such cases compensation from some quarter or another should be forthcoming to the sufferers, or, in case of death, to the near relatives of the sufferers. And the public mind, unfortunately, does not stop to consider that a philanthropic impulse, unchecked by reason and unguided by experience, is by no means a safe basis for legislative action. In any such action, my Lords, I venture to submit that there are two considerations of which we should never lose sight. First, that labour has, no doubt, the right to be fairly and equitably protected in its dealings with capital, so far as such protection is consistent with mutual freedom of action between the two. Secondly, and this is a point of equal importance, that capital ought not to be crippled in its operations by legislative enactments, or so weighted and fettered by fines and penalties as to embarrass its action, impede its circulation, check its development, unduly diminish its legitimate profits, and discourage its application to industrial employments. Such results, injurious alike to both parties, are but too likely to follow if, in legislating upon these matters, instead of treating capital and labour as natural allies, who should, on fair and reasonable terms, work for the common benefit of mankind, we fall into the

grievous error of practically setting up one against the other, restricting the freedom of their mutual action, and seeking to obtain a fancied advantage for one at the expense of an injustice to the other. Let us take this Bill in our hands, my Lords, and see whether it militates for or against the principles which I have ventured to enunciate; and, consequently, whether in its results it is likely to be beneficial, or the reverse. Now, my Lords, this Bill is neither more nor less than an attack upon the legal doctrine of "common employment." True, it professes still to maintain that doctrine, but it insidiously saps the very foundation upon which it rests; it facilitates, nay, encourages and invites, further attacks upon it; and, practically, paves the way for its abolition. I have read with the utmost surprise that it has been said by a Law Officer of the Crown that this Bill is a compromise. On the part of a very large number of the employers of labour, I utterly deny the fact. What is a compromise? A compromise is effected when, of two contending parties, each yields something in order to come to a common basis of future agreement, or when one party yields something upon agreement that the other shall forbear to press further demands which cannot be conceded. But nothing of this sort has occurred. The employers of labour receive nothing under this Bill and ask for nothing, save to be let alone. On the other hand, those from whose, no doubt, well-intentioned but, as I think, most mischievous agitation, this Bill has sprung avowedly receive it only as an instalment, and openly declare their intention to agitate still further for the total abolition of the defence of common employment. So that it is an utter delusion to speak of this Bill as a compromise. Let us consider for a moment how the law stands at present. An employer of labour is liable for compensation to anyone of the outside public who is injured by his act or by the act of his servants. An employer of labour is liable for compensation to any one of his own servants who is injured by his—the employer's—personal negligence. An employer of labour is not liable for compensation to any one of his servants who is injured by the act of a fellow-servant, without any personal negligence on his, the employer's part, because the servants are regarded

as being engaged in a common employment. Against this doctrine it is protested that it is an exception to the general rule, and that an employer ought to be liable for injury caused by the acts of his servants, whether the person injured be a servant or a stranger. But surely, my Lords, there is a very strong contention on the other hand. The general rule both of law and of common sense is that a man shall only be liable for his own acts, or for the acts of someone performing an act duly authorized and ordered by him. The exception, therefore, really is when an employer is rendered liable for compensation, even to a stranger, for something done by his—the employer's—servant without his express authority, and, very likely, in direct disobedience to his orders. I could show many instances in which the present law of liability inflicts great injustice upon employers. This, however, is not the question at this moment; but I must ask your Lordships to inquire a little further into the nature and the practical working of this doctrine of "common employment." And here, my Lords, with your Lordships' leave, I will quote a passage from the Report of the Committee of 1877, which was carried by 11 votes to 2, and bears directly upon this point. It is at the beginning of paragraph 9 of the Report—

"There can be no doubt that the effect of abolishing the defence of 'common employment'—as has been actually proposed in a Bill submitted to the House—would effect a serious disturbance in the industrial arrangements of the country. Sooner or later the position of master and workman would find its level by a re-adjustment of the rate of wages; but in the meantime great alarm would be occasioned, and the investment of capital in industrial undertakings would be discouraged."

It is right to add, my Lords—for I wish to deal with the matter in the fairest possible spirit—that the Committee declared their opinion that the doctrine of common employment had been carried too far in some cases, and that where public companies and corporations had delegated their authority, inasmuch as personal negligence could not be brought home to such bodies, it would be fair and right that the acts or defaults of such agents should be deemed the personal acts or defaults of the principals. But I do not gather, nor could any impartial mind gather, from the Report of this Committee, that they had the slightest

intention of making public companies and corporations liable for the acts of the enormous number of agents constituted by this Bill, or that they intended thus to fine down to nothing that doctrine of common employment, against the abolition of which they had just before so forcibly protested. The theory upon which it rests is this—that a workman entering the service of an employer takes into account all the risks of that service, including the risks of injury from the act of a fellow-servant, and stipulates for an amount of wages which in some degree depends upon the amount of risk which he is likely to incur. So that a man entering upon a service more or less hazardous receives on that account a higher scale of wage, which is, in fact, his insurance against loss of life or limb by accident. And one objection to the proposal to make an employer liable for injuries caused by one fellow-servant to another is this—that he has already paid his insurance against that liability in the shape of a higher wage. It may be said that his proper remedy, therefore, will be in a reduction of wages. But, practically, it is not so easy to carry into effect a reduction of wages, and the easier way will be to contract himself out of the liability imposed by this Bill. There can be no doubt that, in self-preservation, many employers will endeavour to do this. I speak under the belief that the Bill will allow this to be done. Yet, if it does so, it is difficult to see how it will, in many cases, have any effect at all, except in causing trouble and expense to those who are already sufficiently harassed in the conduct of their business. If it does not allow the employers to contract themselves out of liability, then it is a direct invasion of that freedom of contract which long experience has shown to be necessary for the best interests of both capital and labour. And here I must beg to ask two questions of the noble and learned Lord upon the Woolsack, to which I think the employers of labour have a right to demand an answer. First, I want to know whether or no it will be lawful for them to contract themselves out of the liability imposed by this Bill? I see nothing to prevent it; but then I ask this further question—Supposing that in the event of such a contract having been made, and an injury causing death to be re-

ceived by a workman, will not the contract legally terminate with his death, and will not his legal representatives have the right of action against the employer just as if there had been no contract at all? I hope we shall have an authoritative statement upon these points, because, if there is to be ambiguity and uncertainty, it would even be better to abolish the doctrine of common employment outright, and to give explicitly this full power of contract to employers and employed. I hope, at least, the matter may be dealt with simply and clearly. I may be asked—and very fairly asked—What is there in this doctrine of “common employment” which should make it worth the while of Parliament to preserve it? My Lords, I will answer that question as clearly as I can, and I will earnestly ask your Lordships’ attention while I do so. And your Lordships will, I am sure, excuse me if I speak more particularly of this doctrine, as it bears upon that interest which I specially represent—namely, the Railway interest. Indeed, my Lords, there are two good reasons why I should do so. First, because of the importance of that interest, for more than £700,000,000 of British capital are now invested in Railway enterprise; secondly, because, although this Bill has a specious general title, it singles out Railways for special attack, and it is an additional blow aimed at an interest which is already labouring under burdens most oppressive and most unjust. I know, my Lords, that there is an unpopularity attaching to Railway Companies which renders easy as well as fashionable an attack upon them; but, for my own part, I am never afraid of unpopularity when I know it to be undeserved. In this case it arises almost entirely from a misunderstanding as to the true nature of the case. Railway Companies are represented as the possessors of a monopoly. But it is forgotten that, in the first place, they have had to pay a full—nay, in most instances, an exorbitant—price for that monopoly; and, in the second place, that it is a monopoly held entirely for the public service and in the public interest. They are subjected to a most unjust weight of local taxation, because the earnings of their locomotive engines over every yard of their road are taxed, being the only instance in which stock-in-trade is subject to taxation. At the same time, with

an admirable consistency, whilst their land and the locomotives upon their land bear this local taxation as being private property, they are subjected also to a heavy Passenger Duty as public carriers, their carriages being the only class of public conveyances upon which taxation is still left. I have a right to remind your Lordships, moreover, when it is proposed to inflict a new liability upon Railway Companies, that the amount of their earnings is limited by Acts of Parliament which regulate and restrict their fares; that they are subject also to the authority of the Board of Trade, not always exercised in the most friendly manner; and that they have still behind the Board of Trade the Railway Commissioners to stand between them and the public, if they shall attempt to use their monopoly to individual or general prejudice. Still, my Lords, the Legislature is asked to inflict further penalties upon Railway Companies, because the Legislature and the public have taken fast hold of the fallacy that, in so doing, they are only attacking rich corporations and powerful bodies well able to take care of themselves. My Lords, let me once for all disabuse your Lordships’ minds of this idea. The taxation—the burdens—the liabilities which you impose upon Railway Companies touch no rich corporations and affect no wealthy individuals. No well-paid chairman—no prosperous director—no highly-salaried official is injured thereby. These burdens, from the very nature of the case, must fall upon that fund which represents the earnings of a Company after all expenses are paid, and which is to be divided among the shareholders as their dividend—the interest of their invested money. Of course, where it is possible to do so, a Railway Company will meet a new burden by raising its fares—in that case, the public is made to pay. But where, as in the majority of cases, this cannot be done, the burden falls upon the shareholders, who are scattered all over the world, and are, many of them, persons of moderate means, depending upon their dividends for their incomes. Therefore, it comes to this—that you are inflicting a burden upon the investors in one particular class of public security, and that the class which, of all others, deserves the gratitude of the country. For remember, my Lords, that the money



of these hundreds of thousands of poor railway shareholders is the money which has enabled private enterprise to cover England with a network of railways, to establish intercommunication from one end of the country to the other, and to promote in an enormous degree the general prosperity of the country. This is the interest which this Bill singles out for special attack, and I am going to show your Lordships how the doctrine of common employment bears upon the well-being of this interest, and, through them, of the public at large. My Lords, in so doing, I am obliged to allude to a remarkable speech, delivered just before the General Election by Mr. Raikes, then Member for Chester, and Chairman of Ways and Means in the last Parliament. Mr. Raikes moved, on the 9th March, the following Resolution:—

"That the exceptional character of the services performed and dangers incurred by Railway servants in the discharge of their duty calls for the immediate and special attention of Her Majesty's Government; and that this House is of opinion that a change in the law is required, by which, notwithstanding the legal doctrine of common employment, adequate compensation shall be secured to Railway servants in all cases of injury to which they have not personally contributed."

My Lords, I ask your Lordships specially to bear in mind two remarkable admissions which Mr. Raikes made in the course of this speech, first—I quote his words—that

"The possession by Railway Companies of the monopoly is entirely for the public advantage;"

and, second, that—

"They take, I should be the first to confess, extraordinary and most successful precautions to protect the lives and limbs of those of whom they have the care; but the fact is, I think, indisputable, that they are more concerned in preserving the lives and limbs of Her Majesty's subjects than any other industry that exists in the country."—[3 *Hansard*, ccli. 717.]

Just so, my Lords; and one of my complaints against this kind of legislation is, that it appears to assume that Railway Companies and other employers of labour have a vested right in accidents, and that they rather desire them, whilst, in fact, the employer is always the person who loses most by an accident, and who, for his own sake, if for no higher motive, is most anxious and desirous to minimize the risk. My Lords, with respect to accidents and

their causes, I have some extracts from the Return to the Board of Trade last year, which I will venture to read to your Lordships—

*Report to Board of Trade, July, 1879, of Accidents in 1878.*

"Killed, 1,053; injured in the working of Railways, 4,007; proportion of passengers killed, 1 in 4,620,000; proportion of passengers injured, 1 in 322,000."

More than 565,000,000 of persons travelled. Five hundred and forty-four of those killed and 2,003 injured were officers or servants of the Railway Companies, or of contractors. After enumerating the number of accidents, the Report says—

"These accidents to the servants of Companies employed in the maintenance of the Railways, and variously in the working of the traffic, appear to be due in most cases to their want of caution, induced, perhaps, by familiarity with danger."

With respect to accidents generally, it says—

"The accidents in the past year of 1878 will contrast most favourably with those of the eight previous years, especially when it is taken into consideration that both the number of trains of all descriptions, and the number of passengers, have largely increased."

And concludes—

"The decrease (in the number of accidents) is mainly due to improved methods of working, which have been the result of experience, of inquiry, and of comparison, aided by the result of official investigations and by Parliamentary discussion. Nor is it too much to expect that those further improvements in Railway working, which are now the subject of similar discussion, will be adopted by the Companies, and will lead to still further immunity from accident."

Your Lordships will, therefore, observe, with respect to the general question of accidents, that every care has been taken, and not without success, to diminish the frequency of their occurrence. My Lords, I agree with Mr. Raikes most entirely, also, when he says that this is a matter—

"Not only of the interest and advantage of the Railway servants, but, in a very large degree, a matter of public interest, which is inseparable from the due protection and security of those who serve them on Railways."—[*Ibid.*]

My Lords, these words are true, but in a somewhat different sense from that intended by Mr. Raikes. Let me explain my meaning. There is no class of men for whom, as a rule, I entertain

a greater respect than the class of railway servants. Their duties are admirably discharged; they are faithful to their employers, good servants to the public, and they perform highly responsible functions with a combined caution and courage which demands our admiration. If I believed that this Bill would really be of advantage to this estimable body of men, I would not say another word against it. But, my Lords, after all, railway servants are only men; they have their faults, like other men, and they are liable to the same temptations. I will endeavour to show how the difficulties of their position will be increased by the proposed alteration of the law. What is that position at present? They know that no compensation is forthcoming to any one of them who may be injured by the act of a fellow-servant; therefore, it is their direct interest to look after each other, to check and prevent carelessness, and so to minimize the risk of accidents to the public as well as to themselves. I was very sorry to hear the noble and learned Lord on the Woolsack speak with contempt of the idea that men would be more or less careful according to their prospects of compensation in case of injury. The moment you insure compensation to a man who may be injured by the act of a fellow-servant, you take away, or, at least, greatly diminish, his interest in seeing that his fellow-servants are careful. A man will say—"If I am injured I am sure of something handsome;" or—"If one of my mates is injured by my act, he is sure of compensation;" and so the public will directly lose that guarantee for carefulness which is secured to them by this doctrine of common employment. And when we are told that this Bill will cause employers to be more careful, it will have a sad effect indeed, if, as I fear, it makes the workmen more careless. Again, a great number of Companies have introduced into their Acts clauses establishing superannuation and accident funds; these institutions are most excellent, and encourage self-reliant and provident habits among the men. They are, of course, all permissive; but there is much to be said in favour of making them compulsory. But, instead of this, what does this Bill do? It directly encourages the men to rely not on their own care and upon provi-

dent habits, but upon the chance verdict of a jury in an action against their employers. And it directly discourages that system of insurance which is working so well. Again, there are many cases of injury constantly occurring which would not even come under this Bill. I speak from my own personal knowledge when I say that Boards of Directors are always disposed to treat such cases with liberality; they believe it to be for the interest of their shareholders, and they know it would be their wish, to deal liberally with any servant who is injured in the performance of his duty. But if this new liability is to be imposed, this fountain of generosity will be dried up. Boards of Directors will be obliged to say in all these cases that they can no longer afford to be generous, for that the new penalties imposed upon them compel them to confine themselves strictly within their legal obligations. Then, again, and this is a most serious reflection, this alteration of the law will most grievously affect the discipline of the railway service. My Lords, discipline is as essential to railway management as to the management of an army. Up to the present time you have had railway officials, from the highest to the lowest, working with one common object, in one common interest, actuated by the same motives, and pulling together in the most complete harmony. For the first time we are going to interfere with this, and to teach the men that they have different interests from their masters. Already I have heard of men refusing to join provident institutions because they will have a better chance of compensation under this Bill. This Bill will sow the seeds of disaffection between masters and men where they do not now exist, and where they would not exist if things might only be let alone. Without the slightest necessity it will make men discontented, and strike at the root of discipline. But, my Lords, if this Bill will create ill-feeling between masters and men, what will it do among the men themselves? Some slight accident occurs. The injured man knows he will get compensation if he can show that he has suffered from obeying the order of some fellow-workman whom he was at the moment bound to obey. He accuses that man of having caused the accident. In what position is that man placed? If he vindicates himself, he

deprives his fellow-servant of compensation. If he admits his error, he inflicts a penalty upon his employer. I say nothing of the possible attempts to cause slight accidents for the purpose of obtaining compensation; but it is plain that this Bill strikes a blow, not only at discipline, but at that good feeling and community of sentiment among workmen which has hitherto prevailed. And moreover, my Lords, to the enormous detriment of every industrial undertaking, the Bill will import into it a new element of litigation. My Lords, one word upon this question of litigation. No one who is not conversant with railway management can be aware of the enormous amount of trouble and expense which is caused at this moment to Railway Companies by their liability to compensate the outside public for accidents, and the number of frauds which are attempted—and sometimes successfully attempted—to be practised upon them in consequence of this liability. Let me read to your Lordships a short but instructive Return from the books of the South Eastern Railway, which I have searched for the purpose—

SOUTH EASTERN RAILWAY.—ACCIDENT RETURN.

Number of cases settled by payment.	Amount paid without going into Court.	Actions tried.	Amount claimed.	Amount awarded.
1878 49 (14 in one accident)	£ 6,734	7	£ 6,800	£ 645
1879 89 (35 in one accident)	7,430	14	18,100	4,915

In one case no amount stated as claimed, but £1,008 was awarded.

In one case £10,000 was claimed, and nothing awarded.

Of course, there were a number of other claims, which broke down; but the amounts above stated—in 1868, £6,734, and in 1879, £7,430—were sums paid by the Company rather than incur the expense of litigation and the chance of a jury's verdict, and by no means represent an amount for which the Company thought they were fairly liable. Besides *bond fide* accidents, there are a great many which spring from the endeavours of a class of people who of late years have sprung into existence—namely, a low class of lawyers, who drive a trade by means of getting up claims for compensations, and endeavouring to induce Companies to settle such claims rather than run the risk of going before a jury. In one case of a slight collision, which occurred within a very few years—while the train was standing still for a short time—a certain number of people having been more or less shaken, one of these gentry slipped out and handed his card to everybody who would take it, offering to act professionally for them if they would put in a claim against the Company. My Lords, it is to this class of men, and to their mischievous interference, that you will expose the body of railway *employés* if you pass this Bill as it stands; and as sure as ever this is the case, discipline and good feeling will be rudely interrupted, without any equivalent advantage. My Lords, I have no doubt that the views which I have ventured to express to-night will cause me to be inveighed against in certain quarters as the enemy of the workmen. Such an accusation, however, would be as false as foolish. No one has a greater sympathy than I have for the British workman; but I hope I shall always have the courage to tell him the truth. The real enemies of the workmen are those who try to persuade them that they have a grievance when none really exists, who attempt to show them that they have an interest different than their masters, and whose influence tends to destroy that good feeling between employer and employed which is essential to the welfare of each. My Lords, I have now said—not half that could be said against this Bill, but as much as I can expect your Lordships to listen to from so humble an advocate as myself. I have expressed my deep regret at the introduction of such a measure at such a time. I have protested

against the principle—or, rather, the want of principle—of a Bill which deals a death-blow at a legal doctrine which, at the same time, it professes to uphold, and which, in singling out one particular industry for special attack, stands forth a manifest and flagrant instance of class legislation in its worst form. If we were at an earlier period of the Session, it would undoubtedly be my duty to move the reference of this Bill to a Select Committee, where those points might be fully inquired into upon which your Lordships are now called upon to legislate without inquiry. But, my Lords, a Motion to refer the Bill to a Select Committee upon the 24th August would be tantamount to a Motion for the rejection of the Bill, and I am not about to take upon myself that responsibility. It is not too late, indeed, for the Government to pause before they finally determine to inflict upon the great industrial employments of the country that mischievous disturbance which will inevitably follow this one-sided legislation. But if the Government refuse to pause, upon their shoulders must rest the responsibility. For my part, I will endeavour, by Amendments which I have placed upon the Notice Paper, to minimize, as far as I can, the evils which I foresee. To-night I can only enter this general protest against the imperfect and ill-considered measure before your Lordships, which will satisfy no one save those who look to litigation for a means of livelihood, will operate for evil upon that very class in whose supposed interest it has been introduced, and will injuriously affect those beneficial results which accrue to the general community from the free, unembarrassed, and cordial alliance between capital and labour.

THE EARL OF CARNARVON said, he was not prepared to endorse entirely the speech that had fallen from the noble Lord opposite (Lord Brabourne). If those were the views he (the Earl of Carnarvon) entertained in regard to one particular class of industry with which the Bill dealt, he should certainly feel he had no alternative but to vote against it. He desired to point out some of the consequences of the measure. The masters had a good deal to answer for in the past, and now the men tried to get more than they were entitled to. At present workmen might honestly say that, under

the law, they alone were excluded, under the doctrine of common employment, from obtaining compensation in case of injury; and, to give a case in point, it did seem to him hard that a platelayer who had suffered an injury from an accident on a railway caused by the negligence of another servant of the Company should be debarred from obtaining compensation; but, on the other hand, an employer might say it was far more difficult to take proper precautions against negligent workmen than when acting on behalf of the public. Although he agreed with the noble and learned Lord on the Woolsack that if a foreman were merely the *alter ego* of the master, the master ought to be morally and legally responsible; yet how rarely was it possible for a foreman to be the *alter ego* of the master? Still, on the whole, his conclusion was that this was a case in which legislation was certainly not undesirable, and that it was quite fair that an employer should, in certain cases and under certain conditions, be responsible for accidents to his men; but the real question was, what should be the amount of the responsibility and how far it should extend? The noble and learned Lord had clearly explained the doctrine of common employment and the proposals made from time to time to change it. There were two schools on the subject. One desired to abolish the doctrine altogether; but if that should be done employers would close their works, as they could not possibly carry on business without great risks of loss. The second school proposed to modify it. The modification of the doctrine was, he apprehended, the object of the present measure. He thought it was right, generally speaking, that the doctrine should be modified; but some of the provisions of the Bill appeared to him to be doubtful and others very ambiguous, while a great many bore signs of the haste which had attended the passage of the Bill through the House of Commons. He certainly could not agree with his noble and learned Friend when he took credit for the manner in which the Bill had passed through the other House; and, moreover, it had been sent up to their Lordships' House at a period of the Session when it was absolutely impossible to give it the consideration it demanded. The Government were themselves large employers

of labour; but they declined to accept the liability which they sought to impose upon others. Surely this was an anomalous way of dealing with the subject. He doubted, also, whether it was desirable to place Railway Companies under those special provisions. He regarded it as a matter for regret that a blow should be struck by the Bill at Conciliation Boards and Boards of Arbitration, which had already done so much to improve relations between employer and employed. The hinge on which the Bill turned was, no doubt, the Definition Clause in reference to foremen and superintendents and their responsibility, and on this point there had been a great contest in the other House, and it would have to be seriously considered by their Lordships. Until this evening he thought great injustice would be done by including agricultural live stock in the purview of the Bill. He now understood the noble and learned Lord on the Woolsack to say that Her Majesty's Government had reconsidered the point, and that agricultural live stock was excluded from the operation of the measure.

THE LORD CHANCELLOR: It is proposed to omit the words "stock in trade."

THE EARL OF CARNARVON: Would that include live stock?

THE LORD CHANCELLOR: There is nothing else in the Bill which does.

THE EARL OF CARNARVON regretted that the proposals to establish a joint insurance fund had not found favour with Her Majesty's Government. There were other points in reference to the Bill which, doubtless, deserved attention; but their Lordships were placed in a difficult position in consequence of the Bill having been sent up to them at so late a period of the Session. Legislation on the subject was extremely desirable; but it was clear that considerable Amendments ought to be introduced in order to make the Bill effectual. Such Amendments could not be made at this period of the Session. Although it was necessary to accept the principle of the measure by giving it a second reading with all its faults and defects, their Lordships must leave the responsibility of it upon Her Majesty's Government.

THE DUKE OF SOMERSET said, that both sides of the House seemed to agree that the present state of the law was unsatisfactory, and as he agreed in that

he was in favour of the principle of the Bill, but considering the large interests—the railway, mining, and other interests—that were concerned, he should like to have seen the Bill referred to a Select Committee; but they could not do that at this period of the Session. There were one or two points in the Bill which were scarcely clear. If, for instance, a man employed a contractor to build a house, and one of the contractor's labourers dropped a brick upon his fellow-workman, he did not quite understand whether the contractor would be liable or not. He desired to see the responsibility of employers limited to the acts of persons as to whose authority there could be no doubt—persons who were directly authorized by the employers themselves to act for them. There appeared to be one danger in the Bill—namely, that it would tend to do away with the system of insurance which had been extensively growing up of late years, chiefly in connection with the mining industry, and which, he believed, exercised a most beneficial influence upon the working classes. If the servants of a large Railway Company, for instance, thought they could get sufficient indemnity for any accidents from the Company, they would cease to subscribe to these provident funds, and that would, undoubtedly, be a very great misfortune. It would have been well if, in connection with this Bill, another Bill had been brought in which would have facilitated and encouraged that system of insurance for the working classes. The two Bills might have worked beneficially for all parties.

LORD STANLEY OF ALDERLEY said, that the great objection to this Bill was, the late period at which it was brought in, and which made it impossible to give it fair consideration; it was not a sufficient answer to say that the House was not a thin one, for there was no time to consult about Amendments, and many persons who might usually be consulted with advantage were not now to be found in town. Besides that, a great objection to the Bill was the discouragement which it would give to insurance, and where the employers assisted their workmen to insure this ought to be taken account of. With regard to the delegation of authority, he wished to ask the noble and learned Lord on the Woolsack,

*The Earl of Carnarvon*

whether, if a mason gave his hodman an unreasonable order to bring him up two hods of mortar at a time, and the man fell from the ladder and was injured, the employer would be responsible; for it was in the building trade especially that the effects of that Bill would be felt. He would conclude by asking some Member of Her Majesty's Government to show cause why the workmen in the Government Dockyards should not be allowed to get the benefits of the Bill. It was said they were better off than under the Bill; however, it appeared that they would wish to come under it. The Government, even under those circumstances, would still be in the position of what Sir William Harcourt called *dominus contractus*, and the Home Secretary was of opinion that a *dominus contractus* ought to be restricted. He would further ask Her Majesty's Ministers whether the term *dominus contractus* was taken from Roman law or from that of the Middle Ages, or whether it was a modern invention; and in case the term was derived from the Roman law, whether the Romans considered that a *dominus contractus* should be debarred from freedom of contract?

THE LORD CHANCELLOR said, he believed the Dockyard labourers were perfectly satisfied with the arrangements which were now made, and he had no reason to suppose that as a body they wished for any alteration of the law.

Motion agreed to: Bill read 2<sup>d</sup>, accordingly, and committed to a Committee of the Whole House on Thursday next.

House adjourned at a quarter past  
Eight o'clock, to Thursday next,  
a quarter before Four o'clock.

## HOUSE OF COMMONS,

Tuesday, 24th August, 1880.

MINUTES.]—SUPPLY—considered in Committee  
—CIVIL SERVICE ESTIMATES, Class III.—  
LAW AND JUSTICE, Votes 32, 35, and 36.  
Resolutions [August 23] reported.

## QUESTION.

### THE FRENCH MARRIAGE LAW—MARRIAGE OF ENGLISH WOMEN WITH FRENCH SUBJECTS.

MR. L. FRY asked the Secretary of State for the Home Department, Whether, in view of the injustice inflicted in several cases recently brought before the public upon English women, who had gone through the rite of marriage with French subjects in England in ignorance that the same was invalid according to the law of France, he will consider the propriety of making a communication to clergymen, registering officers, and others authorized to solemnize marriages, informing them of the provisions of the French Law on this subject, and suggesting their bringing the same to the notice of English women about to contract marriage with persons who they may have reason to suppose to be French subjects?

MR. ARTHUR PEEL: Sir, the Secretary of State has communicated with the Foreign Office, and we have received from that Department information giving generally the French law on the subject. My right hon. and learned Friend will gladly confer with the Lord Chancellor as to whether any means can be devised for making the provisions of the French law more widely known in this country, and thus, to some extent, guarding against the recurrence of such sad cases as those referred to in the Question of the hon. Member for Bristol.

## ORDERS OF THE DAY.

### SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

### THE ROYAL IRISH CONSTABULARY.

#### RESOLUTION.

MR. O'DONNELL, in rising to move—

"That it is unconstitutional and inexpedient to grant supplies of public money for the maintenance of the armed force known as the Royal Irish Constabulary, whose regulations and rules of discipline have not been communicated to Parliament,"

said, that some considerable time ago he gave Notice of his intention to call the at-

tention of the House to this subject. The ground on which he proposed to rest the observations which he had to make was that it was contrary to Constitutional usage that this practically armed military force should exist, and be continued from year to year without anything respecting it being submitted to Parliament, as in the case of the Regular Military Forces of the Crown. He saw no reason why the fact that these men were very thinly disguised soldiers should be kept from the knowledge of the House. In too many cases, he was quite sure, the public opinion of England was very seriously led astray when Englishmen read in their newspapers that such and such a matter was settled by the police over in Ireland, imagining that there was any analogy between the police in Ireland and the police in England. Thus, in numerous cases, what was nothing less than an exhibition of military force and violence was passed off upon the people of this country as an ordinary exercise of the Administration for the preservation of the peace. Apart from anything critical in the present state of affairs, the condition and the constitution of the Constabulary Force was entirely anomalous and irregular, and in need of correction. It was very easy to taunt him for the course of proceeding which he was now adopting; and, doubtless, there were many Englishmen with the very best of intentions who would accuse him of a desire to hamper the exercise of the lawful authorities in Ireland, and of bringing on a purely frivolous and vexatious Motion; but he would remind these hon. Gentlemen that the great departed leader of the Irish people, the illustrious Daniel O'Connell, speaking in his place in Parliament half a century ago, complained that the least resistance to the authority of the Royal Irish Constabulary, who were armed with deadly weapons, however capriciously exercised, must be attended with death; and certainly the grievances against which the Liberator then protested had not been diminished by the lapse of time. He proposed to call the attention of the House to three main points. First to the excessive unfairness which pervaded the whole system of promotion in the Royal Irish Constabulary, and to ask the Government whether it were wise or expedient that a force to which so much was intrusted, and upon which so much

responsibility rested, should be organized under the rule of sectarian considerations? When Irish Members complained of the existence of sectarian influences in every branch of the Government in Ireland their statements were received with incredulity. The bulk of the lowest grade of the force were Catholics. He found the total force of armed constabulary in Ireland amounted to 11,400 men. There were 6,500 Catholic sub-constables, and 2,257 Protestant sub-constables—that was to say, the latter formed almost exactly one-fourth of the total number of sub-constables. Now, as they ascended the ranks, what did they find was the case in reference to promotion? Except on sectarian grounds, he could not understand why the proportion of Catholics to Protestants should vary so wonderfully. There were 130 Protestants acting-constables. Were there three times that number of Roman Catholics acting-constables? If there were there would be 390—there were only 228. There were 93 Protestant head-constables to 142 Catholic head-constables, or only half as many more when compared with the overwhelming majority of Catholics in the lower ranks of the service. In the commissioned ranks there were 163 Protestant sub-inspectors to only 27 Catholic sub-inspectors. As soon as they got into the superior ranks everything like proportion disappeared. Of assistant-inspectors two were Protestants and one Catholic. The inspector was a Protestant. He quite admitted that a Protestant might make as good a sub-inspector as could be found; but he claimed equally that a Catholic might also make as good a sub-inspector as could be found. This circumstance that the Protestants were so unduly favoured must have the effect of prejudicing the Catholic people against such a force. Of course, in view of the disproportion, the conclusion must be drawn that the sub-inspectors were appointed strictly with a view to their religious opinions. But the evil did not end there. The officers of the Constabulary largely recruited the stipendiary magistrates, so that when a disturbance occurred, say in the North of Ireland, and a stipendiary magistrate was sent down to correct the bias of the Orange members of the local bench, the stipendiary magistrate was probably a man who had been chosen from the

Protestant ranks of the Constabulary Force, and no more confidence could be placed in his judicial impartiality than in that of the ordinary local justices. If hon. Gentlemen would inquire into the circumstances of the dreadful scenes of riot, of death, and wounding, of which Dungannon was recently the scene, they would find that the sub-inspector who was in charge of the police force there was unpopular amongst the Catholics of the place, and was notorious for his intimate association with the Orange classes of the neighbourhood. Although the Orangemen attacked the Catholic procession, it was the Catholic procession that was attacked by the armed police. If that was so, how could the Government expect that the officers of law and order could be respected as ministers of impartial authority in Ireland? He felt that he was now not only doing justice to his countrymen, but rendering a service to the Government in pointing out the evils which corrupted the beneficial influence of a force which ought to be a force for the preservation of order, and not for the provocation of sectarian dissensions. He held that the regulations as to the Constabulary ought to be laid before Parliament, and every opportunity given to the Irish Members to criticize them. He had also to complain of the countenance given to one secret society among the ranks of the Irish Constabulary in imposing upon the recruits, and even among Catholics, the recommendation to join the Masonic Societies. It was notorious that those societies were not merely the speech-making, toast-drinking societies their apologists represented them to be. Not long since the Masonic Associations of England had to take steps to dissociate themselves from lodges in France, and at this moment American Masonry was dissociating itself from lodges in Europe. They were incompatible with the ancient beliefs in religion. That showed that the common form of Masonry was no guarantee as to the practices carried on. He contended that if one secret society was permitted—namely, the Freemasons, another secret society—the Fenians—ought be permitted. He objected to the official patronage of the Masonic lodges, and he objected to oath-bound societies in the Constabulary, as calculated to interfere with the discharge of their duties. A rascally plaintiff in a case won his

cause by making the windmill sign to a Masonic jury, and he heard of a chest of Chinese silks being passed under the eyes of a Masonic Custom House officer. He did not enter into the merits of the Masonic organization; but, as it was notorious that the Catholic clergy in Ireland forbade Fenianism as it forbade Freemasonry, he thought the wisest course to pursue would be to forbid any secret society in the Constabulary. The present state of things was most unfair to all Catholic young men. It was a direct encouragement to them to join a society which they could only join on the terms of being shut out from the Catholic Church. In that way was created a kind of proselytism. He could prove his assertions, and, though he could not give names, he would read an extract from a letter which he had received from an Irish sub-inspector who was a Catholic, in which he stated that the Royal Irish Constabulary practically formed a secret brotherhood, as most of them were Freemasons, and that a Catholic in the Royal Irish Constabulary had very little chance of promotion unless he were a Freemason. This was carried on in defiance of the opinions of the vast majority of the Irish people. The Irish had been described centuries ago as strongly actuated by a love of justice. Where was the justice of the Government allowing such an anti-Catholic, clannish, cliquish, secret organization as that of the Freemasons when they forbade the Irish people to enter into organizations of another kind? It was a matter which called for investigation. As things were Catholics were practically excluded from the Royal Irish Constabulary. The only proper system would be one of open competition or promotion from the ranks. The present Constabulary were one of the most incompetent bodies of men in existence. The sub-inspectors, for the most part, were men who had failed to obtain commissions in the Army. They were incapable, bumptious, and swaggering, and their chief occupation seemed to be to act as foils to the bank clerks in the eyes of provincial young ladies. He objected also to the gross nepotism which prevailed. When a man became an inspector, his sons or other relations thought they had claims to enter the force. There ought to be a system of promotion from the ranks, so that efficiency and experience should be



rewarded. The Royal Irish Constabulary reached their rank through a sort of examination, which, however, was controlled by Government influences, sectarian in the first place, and what he would call nepotist in the second. The present system was scandalously unfair; sapping the foundations of that order and authority which it ought to be the object of a police force to preserve. But were the Royal Irish Constabulary a police force? He contended that they were not. They were really soldiers, drilled and armed as such. As police they were very inefficient for the detection of any but political crimes, and he doubted whether they were efficient in dealing even with political crimes. He suspected that the magnitude of the number of undiscovered murders in Ireland arose from the military and non-detective character of the Constabulary. When a murder was committed in that country, and the murderer escaped, the English newspapers, and the Government newspapers in Ireland, declared it was in consequence of the sympathy of the peasantry for the criminal. This was a false accusation; but it was an accusation under which the Constabulary were able to hide their incompetency. He felt bound to denounce, also, as O'Connell had denounced 50 years ago, the treatment Irish mobs received from the Constabulary Force. In England clubs and staves were thought to be sufficient; but in Ireland crowds were fired at. If it were thought necessary to make one garrison of the whole of Ireland, the force employed should be openly and avowedly military, and should not be disguised as police. The Royal Irish Constabulary were not only prevented by their training from becoming efficient police; but he doubted whether they would be of much value against a foreign invader. In bringing forward his Resolution, he brought forward one which English Governments had disdained to treat seriously hitherto; but until they did so—until they definitely made the Constabulary either police or soldiers—a force free from sectarianism, and from the unjust encouragement of one secret society in preference to other secret societies, the force would exist on principles which were a defiance of fair play. In using such a body the Government did not introduce an element of order into Ireland; but in 90 cases out of 100 they

introduced an element of disorder. It was all very well for the Chief Secretary to appeal to Irish factions to lay aside their animosities. How could he expect that the factions would listen to him when they saw in the Royal Irish Constabulary direct preference given to one faction and unjust prejudice and neglect to another. In conclusion, the hon. Member moved the Resolution of which he had given Notice.

[The Motion, not being seconded, was not put.]

#### BULGARIA AND EASTERN ROUMELIA —CONDITION OF THE MAHOMEDAN POPULATION.—RESOLUTION.

MR. ASHMEAD-BARTLETT, who had a Notice on the Paper to call attention to the condition of the surviving Mahomedan population of Bulgaria and of Eastern Roumelia, and to move a Resolution, said, that he had been asked a few moments before to postpone his Resolution on account of the illness of the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke). He then replied that this would be his only opportunity for bringing the subject forward; but he had since remembered that it would be possible for him to be in the House on Tuesday next, and he was willing to defer it until Tuesday, if he could have the first place on that day's Orders. Should the Government be unable to make this concession he would be obliged to proceed with the Motion now, though he would regret to have to take this course in the absence of the Under Secretary. He therefore asked the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who, he supposed, represented the Government in the matter, if he would agree to his proposal?

After a pause,

MR. SPEAKER intimate that if the hon. Member then sat down he would have exhausted his right to speak. He was in possession of the House, and if he intended to proceed with his Motion he should do so.

MR. ASHMEAD-BARTLETT said, that, under these circumstances, he should proceed with his Motion, which was as follows:—

“That the oppression and hostility to which the Mussulman population of Bulgaria and of

*Mr. O'Donnell*

Eastern Roumelia has been subjected during and since the conclusion of the Russo-Turkish War of 1877, deserves the strong condemnation of Europe; that Her Majesty's Government should take, with or without the co-operation of other European Powers, effectual steps to secure the complete repatriation of the remnant of the Mussulman population of those provinces, and to secure protection for their persons and property from outrage and robbery; that Her Majesty's Government should urge the fulfilment of those provisions of the Treaty of Berlin which are intended to insure justice for Turkey and equal rights for her Mahometan inhabitants."

He regretted the absence of the Under Secretary of State for Foreign Affairs, and also that a subject of so much importance had not been taken up by some Member of greater experience than himself. He had brought forward his Motion under a sense of considerable moral responsibility. His object was to bring to the notice of the country a condition of affairs in Bulgaria which he ventured to say was without a parallel in modern times, and which it would be difficult to find a parallel for in the middle ages. He believed the people of England did not wish to shut their eyes to the state of affairs in the Balkan Peninsula; but from various causes they were unaware of the terrible system of persecution that had been carried on against the Mussulmans of the country, and which had reduced the population, which amounted to 3,000,000 before the war, to a number which he doubted at present amounted to more than 750,000. It was not solely on grounds of humanity that he brought the subject forward. It was also in the interests of the British Empire that he did so; for he believed that, in alienating the Mussulman population of Turkey, and leading them to believe that the British people were no longer their friends, they were depriving this country of an important political factor in events that might occur very shortly, and were driving the ruling powers of Turkey into a continuance of their anti-reforming policy. He held that had they acted in such a manner since the war as to maintain the Turks in the belief that England was their friend, the Government would have been able to carry out their policy with respect to Greece and Montenegro with much less of resistance from Turkey than they now had reason to expect. The unfortunate Mussulmans had been greatly misunderstood in this country.

When he stated that they possessed many of those qualities which rendered nations great and admirable he was far within the mark. There was a time when the courage of the Turks was impeached; but since the late war that accusation was no longer made against them. They were a remarkably honest and honourable people—he spoke of the peasantry and the artisans of the towns, and not of the corrupt clique who misrepresented the people and misgoverned the country. They were temperate and hospitable, and they carried out the obligations of their religion—however incomplete and unworthy of comparison it might be with that far more ennobling religion which this and other Christian countries professed—with a degree of fidelity which was exhibited by very few Christian people. For many years the Turkish people had been labouring under great disadvantages. They did not understand, and, probably, did not wish to understand, why such little sympathy had been evinced for them by the civilized nations of Europe. They had no great number of philanthropic societies to take their case in hand; they had no great array of newspaper correspondents, who would put their case before the European public in the most tempting form, and who would make every act of cruelty perpetrated against them notorious; they had no great Embassy representing their country at foreign Courts; and they had no great secret societies, whose influence extended from St. Petersburg to Trieste. But, notwithstanding these disadvantages, he did not believe that, when the case was fairly put before them, the British public would withhold their sympathies from a people whose conduct entitled them to respect. The position of the Turks in Europe was misunderstood in many respects. Thus it was generally understood that the Turks merely occupied a camp in Europe, and that they had no real title to the land. Their claim to the land, however, was equally good with that of most European countries to the soil—each held by the right of conquest as having proved themselves to be the more manly and deserving race. When people talked about the oppressed nationalities, as they were termed, who lived under the rule of the Turk, it was generally assumed that the degraded and debased condition of the people of those nation-

alities was the result of the action of the Turks, while, as a matter of fact, they had greatly improved, both materially and mentally, under the Ottoman rule. The Greeks were at that time incapable of self-government. He did not wish to defend Turkey from the charge of misgovernment; but it was perfectly unfair to attribute to her all the evils under which the subject-people laboured. The real fact was that the great fault in the Government of the Turks had been that they had been too merciful and too tolerant towards the so-called oppressed nationalities. If they had ground down all these nationalities in a common mill, as Russia had done, and had done their best to root out all national feeling and particular religious belief, as England had once done in Ireland, as the Spaniards had done in the Netherlands, and as Queen Elizabeth and other Sovereigns had attempted to do in the United Kingdom, Turkey might have faced Europe at this juncture, as a great homogeneous nationality. But she had done nothing of the kind. It was a historical fact that during the 16th and 17th centuries, while Christian nationalities were persecuting different religious sects, Protestant refugees fled from Italy and Germany to Turkey to find the toleration which was denied to them at home. These were facts which had been too much lost sight of during late years. The public mind in this country was scarcely sufficiently informed as to the character of the cruelty to which the Turkish inhabitants of Bulgaria had been subjected during the last three years. From the time the Russian Army crossed the Balkans, Turkey had been subjected to a system of uniform persecution, with a barbarous and fiendish malignity to which the history of the world afforded no parallel. The state of the Bulgarian people before the war was most flourishing, and the excesses which were attributed to the Turks were, in reality, committed not by them, but by the Bulgarians. He took some credit to himself for having done something to draw attention to the atrocities committed by the Turks on the Bulgarians, and to demand that their perpetrators should be brought to justice; and he felt bound to direct attention to the hundredfold worse atrocities committed on the unfortunate Mussulmans by the Bulgarians. In defence of the

Turks, it should be stated that they had acted in retaliation for the excesses committed by the Christians in their revolt. Cruelties like those described by our Consul at Philippopolis took place in almost every town or village where the Mahomedan population remained. The Mussulmans fled for safety in many cases at the approach of the Russians; many of them perished in their flight, which occurred, unfortunately, in the middle of winter, and was attended with many horrors, as might easily be imagined under the circumstances. The Report of the Rhodope Commission gave many distressing details of what happened. At Hermanli, in particular, there was a large body of Mussulman refugees, when suddenly the cavalry of General Skobelev burst upon them and drove them along narrow gorges and through a torrent swollen by melting snow. Many of the fugitives perished, only a few thousands escaping to the Rhodope Mountains to tell the story. The Report to which he referred contained a narrative so horrible that nobody who read it would get up and deny the charges which had been brought against the Russians and Bulgarians. Certain events had come under his own notice. He had gone through a great part of Eastern Roumelia, and into the Rhodope Mountains, just after the Armistice was concluded, and before the signature of the Treaty of Berlin, and he had an opportunity of seeing the condition of a large number of refugees, of the Russian Army itself, and also of the insurgents, as the people were called who were defending their homes in the Rhodope Mountains. There had been a population of 32,000, divided between Mussulmans and Christians, in Philippopolis. When he went in April or May, 1878, there were no Mussulman inhabitants there. A body of refugees had fled to the Rhodope Mountains. They were invited to return to Philippopolis. They went back, and on the way they were set upon by Bulgarian troops, many of them were murdered, the women were subjected to the last outrage, and taken into Philippopolis in the most deplorable condition. Philippopolis was the headquarters of the Province, and in that city were the highest Russian authorities. The sufferings of those people at Philippopolis it was impossible to exaggerate. Out of

the nearly 5,000 who reached that place, there were a few months afterwards not 1,500 surviving. They were kept across the river, in an unwholesome, stagnant marsh, without beds or shelter, until they died by hundreds per day from starvation and fever. Their feet and legs were gangrened; but nothing was done for their relief. They were not allowed to cross the bridge into the town lest they should complain to the Consuls. Representations were made to the Russian authorities, and an allowance of bad bread, revolting to the sight and the taste, was given to the sufferers. There could be nothing more abominable than the maltreatment to which Mussulman women were subjected during the late war. Large numbers, especially young women, were detained for purposes to which he would not refer by young officers and by Bulgarians. In Adrianople a very large number of houses of ill-fame were opened and were filled by these unfortunate women. Some of these women, in consequence of representations which were made by the English Ambassador and Consul, and the Austrian Ambassador and Consul, returned to the places in which their homes were in 1878 and 1879; but they found that their lands and property had been sold by Bulgarians; they were entirely denied their rights of property, and subjected to the same maltreatment as their unfortunate brothers during the invasion. They found no justice in the Bulgarian Courts. Every suit was against them and in favour of the Bulgarians. He might be asked for proof of the statements he had made. It was contained in many Blue Books which had been presented to the House; in the evidence of every one of Her Majesty's representatives in Turkey, without a single exception; in the correspondence of the representatives of *The Standard* and another paper, and in the statements of foreign Consuls stationed at Philippopolis, Adrianople, and other places, who said it was impossible to exaggerate the maltreatment and persecutions to which the Mahomedans were subjected, and that a deliberate system of persecution and destruction was carried on with the object and the result of exterminating a manly, courageous, and innocent people from the beginning to the end of the war. These things, to a great ex-

tent, were still going on. These facts concerned very nearly the interest and the honour of the English people. Whatever the Turks might be now, they were once our allies. During the last three years they had been, to a great extent, fighting the battle of this country in the East, and we would certainly miss them if we were brought face to face with that struggle with Russian despotism which, he ventured to think, would be at some time inevitable. They had incurred serious responsibilities to those unfortunate people by the Treaties of Paris and Berlin, and none had been more ready than hon. Gentlemen at the other side to remind the Conservative Party what those responsibilities were. The Liberal Party incurred responsibilities by the Treaty of Paris to the whole of the Turkish population, Christian and Mussulman alike; but by their apathy and indifference during the 20 years which succeeded the Crimean War they had met few of them. He had looked in vain for any remonstrance against the misgovernment and the ruinous career of extravagance which the Turkish Government had been pursuing. The Government might have made some remarks on those subjects with great certainty of their receiving attention; but they had not done so, and they waited until they were out of power and free from responsibility, and then they chose the period of Turkish difficulty and suffering, when the Colossus of the North was making ready for a last and final attack—that was the moment they chose for describing the Turk as inhumane, and demanding immediate and instantaneous reform. By that conduct they owed a great reparation to Turkey and to humanity itself. It was a disgrace to humanity, it was a disgrace and outrage to Christianity—which was the common religion of this country and of Continental Europe—that these outrages and persecutions should have been allowed to go on, almost unrebuked and unchecked, for such a period. The British Government was running another, and a very great and serious, risk, which, he regretted to say, they did not appreciate at present, but which he feared would be brought out most strongly before many years were over. It would have been far more worthy of the present Government if they had sent their Fleet to Varna, and demanded

fair treatment and good and impartial government for the oppressed and subject Mussulmans of Bulgaria and Eastern Roumelia, instead of sending their Fleet to commit what the Turks, at any rate, considered an act of spoliation of them, while all the provisions of the Treaties of Paris and Berlin remained undischarged. Did they expect the Porte and the Sultan or the Mussulman population would believe that, while their people were being deliberately exterminated, the English nation were their friends? He did not think so; and he considered they were alienating, not only the poor exhausted remains of the Ottoman Empire from their alliance, but, what was far more serious, alienating the whole of the Mahomedan world, 60,000,000 of whom resided in India, and were the bravest and best organized people of the country. In the hour of England's difficulty, they might have cause to regret the effect which the neglect of their co-religionists would have on those people. On an occasion of that kind, when the subject of the moral treatment of the Mussulman population was under consideration, he thought it was fair to consider very briefly where the responsibility for these troubles rested. He thought there could be no doubt that the responsibility for the terrible sufferings rested with the Russian Government. They had the opportunity of showing the superiority of the Christian religion by displaying moderation; but they did nothing of the kind. There had not been a single Russian or Bulgarian malefactor brought to justice. A very grave responsibility fell on the Party now in power. There was no doubt that their tactics, adopted in 1876 and 1877, did very much to bring about that disastrous war, which was the cause of all this suffering; and, still more, by the constant efforts in public meeting, and an unparalleled agitation, to hamper the action of the Government when they endeavoured to stop the war, which, if it had been done, would have averted a greater portion of the misery and suffering he had endeavoured to describe. The course they had adopted was still more remarkable, as, 20 years before, they had engaged in a war on behalf of Turkey on far less provocation. He would ask the Government to send half-a-dozen or a dozen responsible men to different

parts of the country, and when they did report an unequivocal and undeniable case of outrage, take steps to redress it. Then they might go to Turkey with a naval demonstration; but until they had done so they could not claim to shelter their present proceedings under the Treaty of Berlin. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. WARTON seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the oppression and barbarity to which the Mussulman population of Bulgaria and of Eastern Roumelia has been subjected during and since the conclusion of the Russo-Turkish War of 1877, deserves the strong condemnation of Europe; that Her Majesty's Government should take, with or without the co-operation of other European Powers, effectual steps to secure the complete repatriation of the remnant of the Mussulman population of those provinces, and to secure protection for their persons and property from outrage and robbery; that Her Majesty's Government should urge the fulfilment of those provisions of the Treaty of Berlin which are intended to insure justice for Turkey and equal rights for her Mahometan inhabitants,"—(*Mr. Ashmead-Bartlett*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILLIAM HARCOURT said, he did not exactly know what object the hon. Member had in view in making this Motion. It was certainly unfortunate that it was made at a time when the Prime Minister and the Under Secretary of State for Foreign Affairs were both necessarily absent. He was not going to occupy the time of the House by making a protracted speech in reply to the detailed statement of the hon. Member; but he could hardly believe that this was a Motion which the House of Commons would accept. It was not in a form in which it would be proper or competent that such a Motion should be carried. That such acts as had been referred to had probably been committed in those regions he was afraid it was impossible to deny. The Government was always anxious that justice and humanity should be observed with regard to all classes of the population in these districts, whether Mussulman or Christian. They had shown their desire that this should be done by sending Colonel

*Mr. Ashmead-Bartlett*

Wilson to make remonstrances against any outrages which might have been committed. What was it the hon. Member asked them to do? He said—

“That the oppression and barbarity to which the Mussulman population has been subjected since the war deserves the strong condemnation of Europe.”

That House had not the authority to enforce anything of the kind on Europe. Then the hon. Member asked the Government to take, with or without the co-operation of the other Powers, effectual steps to secure the repatriation of the remnant of the Mussulman population. What steps? he would ask. How was England, with or without co-operation, to take such steps? Were they to march an army into these districts for the purpose? The view of Her Majesty's Government had been to act in co-operation with Europe in these matters. The hon. Member also asked that the Government should urge the fulfilment of those provisions of the Treaty of Berlin which were intended to secure justice for Turkey and equal rights for her Mohamedan inhabitants. Her Majesty's Government had been urging upon Turkey that justice should be secured; and, no doubt, the Government would continue to urge that justice should be observed, if possible, to all classes of the population in these districts. What object the hon. Member thought could gain by bringing forward such a Motion he really could not understand; and it was one, he was sure, which the House was not likely to adopt.

MR. ASHMEAD-BARTLETT asked leave to withdraw his Motion. [“No, no!”]

Question put, and *negatived*.

Main Question proposed, “That Mr. Speaker do now leave the Chair.”

#### ENGLAND AND IRELAND—THE LEGISLATIVE UNION.—OBSERVATIONS.

MR. PARNELL said, that he had given Notice, some fortnight before, of the Resolution which stood in his name. He was aware that, owing to the Amendment which had just been put, he should be unable to obtain the opinion of the House in the Division Lobby, yet, as that was probably the last opportunity which he should have of drawing the attention of the House to the grave

matters which were the subject of his Resolution, he did not think he should be justified in postponing the matter until next Session. The terms of his Resolution were—

“That, in the opinion of this House, the rejection of the Compensation for Disturbance (Ireland) Bill by the House of Lords adds one more to the many overwhelming proofs afforded since the Union of the necessity for such a radical change in these relations as will permit legislative effect in future to the voice of the vast majority of the electors of Ireland constitutionally expressed.”

Some fortnight ago he had asked the present Leader of the House to afford him facilities for bringing the subject before the House. The noble Marquess then said that he was unable to do so. He took, therefore, the opportunity which then offered of showing the unnatural conditions of government under which Ireland was placed in the present system of her representation in that House, the very unnatural state of affairs arising from that representation, and the means of bringing about such a system of government of Ireland as would afford the Constitutional expression of opinion to the electors of that country. The difficulties which arose had always been, more or less, apparent; but he ventured to say that, as time went on, they were becoming more apparent still. And in the future the course of events would make it evident to all thoughtful Englishmen that it would more satisfactory to allow Ireland to govern herself than to insist upon the continuance of the present régime. He did not wish to impute blame to all the English statesmen who had so signally failed in the past to govern Ireland, nor did he wish to blame the present occupants of the Treasury Bench, or the present majority in the House, if he said that they approached Irish questions with a half-heartedness and want of belief in the measures which they brought forward themselves, which showed their unfitness for the task with which they were intrusted. The winter was at hand, and the results it would bring were not to be foreseen; and, bearing in mind what the Chief Secretary had said, they could not but think it probable that, almost before hon. Members had retired to those places where they proposed to pass their leisure, they might again be summoned to enact a suspension of the Constitutional rights of the people of Ireland. There

might be a winter of disturbance and bloodshed in Ireland. Even to-night they were called together by the Chief Secretary for the purpose of voting money to provide an unconstitutional and military force in the shape of police in Ireland. He thought it was a fitting time for him, on the eve of such a Vote as this, to bring before the attention of the House of Commons the condition of the Parliamentary relations existing between the two countries. Now, various attempts had been made from time to time to alter the arrangement entered into between England and Ireland. In 1842 O'Connell brought forward his Motion for the Repeal of the Union, and he formed a powerful Party in the House for the purpose of carrying that Motion. That proposal would have been simply a reversion to the state of affairs which existed before the Union. But the late Leader of the Home Rule Party, Mr. Butt, had thought it possible to improve upon that idea, in order to avoid any conflict between the two Parliaments. Mr. Butt's idea was a sort of Federalism. The Irish Parliament was only to deal with strictly Irish matters; the result of Mr. Butt's proposal would have been to put the Irish Parliament so constituted in much the same position as regarded England as the Legislative Assemblies of the different States of America occupied in relation to the Congress and the Senate sitting at Washington. The State Assemblies had power to deal with the internal affairs of the particular State, and also to send Representatives to the Imperial Congress and Senate. In such a way it was thought that dangerous elements of disturbance between the two nations might be avoided. That scheme was objected to by the present Chief Secretary, on the ground that it would necessitate a change in the Constitution of Great Britain and Ireland, and that it would necessitate a paper Constitution, similar to that of the United States, instead of a theoretic and unwritten Constitution. Because it would be necessary to define what things an Irish Parliament might deal with, and what things it might not deal with. He did not propose to bring forward a plan himself, because he thought the time was not ripe for the bringing forward of a plan before the House. He thought it was, before all things, necessary that the House should be, first, convinced of

its inability to govern Ireland under the present system; and when that had been done it would be invited to a consideration of the whole question, in order that the Representatives of the two nations might arrange between themselves some *modus vivendi* by means of which Great Britain and Ireland might succeed in getting on better in the future. He was far from denying that many English Members of that House were most anxious to do justice to Ireland. But, in time, he thought the convictions he had expressed would gain ground, and that it would gradually be recognized that the only way to govern the Irish people would be to let them make laws for themselves. The present Prime Minister had spoken of the enormous mass of work which was thrown upon Parliament, and the increasing difficulty of performing a task which was really beyond human strength. The right hon. Gentleman had also spoken of an extension of the principle of local self-government. But local self-government had not really taken work away from the Imperial Parliament. Municipalities could not enact laws; and he did not think that anyone would wish to confer such a power of legislation on them. The work which it was proposed by this system to take from the shoulders of Parliament was work which did not really weigh upon them. It was work which was performed by the Committees upstairs. Therefore, though they should extend the authority of their municipal governments, they would still practically be in the same position, as they would have to deal with all great burning questions. In fact, all the work of Parliament would still be pressing upon them. Another example of local self-government was to be found in the establishment of County Boards. Such institutions, however, would not materially aid in diminishing the labours of Parliament. If any of the schemes he had touched upon were adopted, they would, he maintained, be still confronted by questions of equal magnitude with those to which they were now unable to devote sufficient time, and they would still be in this position—that a majority composed of Englishmen and Scotchmen, unacquainted with the wants of Ireland, would be legislating for that country. He would now call attention to the state of affairs existing before the Union. The old Irish Parliament, he

admitted, was by no means a perfect institution, for it was the monopoly of the minority in the country—namely, the Protestant colony, composed of the descendants of the conquerors of Ireland. To the credit of that Parliament, however, there was in it a growing tendency to confer rights on the great majority of the people. All Irish historians admitted that Catholic Emancipation would have been conceded years before it was if the old Irish Parliament had continued to exist; and it would have been conceded in a natural way, and just as reforms were accomplished in England. But as it was, Bills for Catholic Emancipation were brought in, and carried in that House, and rejected by the King and Lords; and it was not until the King was assured that, unless the Catholic Emancipation Bill were passed, a revolution must be expected, that the Sovereign and the House of Lords agreed to the demands of the Irish people. This taught the Irish a most evil lesson as to the method, and the only method, in which reforms were to be obtained from the Imperial Parliament. It was not till 100 policemen had been massacred that the attention of the Parliament of England was directed to the necessity of abolishing the tithes; and it was not until Clerkenwell Prison had been blown up, and Sergeant Brett killed in the discharge of his duty, that the Prime Minister became satisfied that something must be done in the direction of disestablishing the Irish Church. He did not, however, blame English Prime Ministers, because the attention of the English people had to be drawn by such forcible circumstances to the wants of his fellow-countrymen. It was impossible, in 9 cases out of 10, that the people of England should know what the real public opinion of Ireland was. The Press often misrepresented the state of affairs in that country, and English statesmen themselves sometimes misled the people. He had seen the Chief Secretary do so himself this Session, and he could not suppose him to be ignorant of the real state of things in Ireland. He had remained silent on that occasion, because he had assumed that the right hon. Gentleman was endeavouring to carry his Compensation for Disturbance Bill in the best possible manner. He had remained silent then because he recognized the diffi-

culty of the task in which the right hon. Gentleman was engaged; but, at the same, time he could not help feeling that in order to carry that Bill through that House, and to disarm the opposition to it in the House of Lords, the right hon. Gentleman was obliged deliberately to misrepresent the state of affairs in Ireland. [Mr. W. E. FORSTER asked in what respect he had done so?] The right hon. Gentleman had misrepresented the state of things with the object—

SIR HENRY HAVELOCK-ALLAN rose to Order. Was the hon. Member in Order in attributing to a Minister of the Crown that he had made a deliberate misrepresentation to the House?

MR. SPEAKER said, that after the hon. Member had concluded his observations the right hon. Gentleman would have an opportunity of correcting any misstatements which the hon. Member might make.

MR. PARNELL said, he did not wish to impute anything to the right hon. Gentleman. He considered the right hon. Gentleman had misrepresented the state of affairs in Ireland with the object of doing good Ireland.

MR. W. E. FORSTER asked whether the hon. Member would give the House any instances in which he had misrepresented the state of affairs of Ireland.

MR. PARNELL said, he would. During the passage of the Compensation for Disturbance Bill through that House the right hon. Gentleman had repeatedly stated that that measure was necessary to check only a very small minority of Irish landlords, and that, in his belief, the vast majority of Irish landlords were good landlords. But, so far from that statement representing the true state of affairs, he would have been much nearer the truth if he had said that the Bill was intended to deal with, not a small minority, but a large minority, and it might be a majority of Irish landlords. Perhaps he would have been right to say that the majority were of such a character as to render the passing of such a Bill a necessity. He could conceive the policy which dictated the statement of the right hon. Gentleman. He made it to prevent the fears of the landlords being unnecessarily aroused, and to calm them down and lead them to believe than an infinitesimal minority of them would be interfered with under



the operation of the Bill. Proceeding, however, with his general remarks, he wished to show that there existed two nations—the English nation and the Irish nation—he would leave out the Scotch, practically joined together in their attempt to legislate for a country of the circumstances of which the English Government were entirely ignorant.

What did the English nation know of the Irish nation? Every day the English people read in their newspapers accounts of murders and outrages in Ireland, many of which were carefully rehashed and kept alive week after week, to be reproduced when necessary. This was the course which was adopted by the proprietors of enterprising journals in this country who desired to sell their papers, and who knew that there was nothing so interesting or so exciting as details of a murder or of an outrage. Well, this was the only class of news which the English people ever obtained respecting Ireland, and it was not to be expected that they should have a large knowledge of what the state of affairs in that country was. This House, therefore, approached the task of legislating for Ireland in absolute ignorance of the requirements of the country. It was only in consequence of the attention of the present Prime Minister being attracted to Irish affairs by the intensity of Fenianism that the passing of the Act for disestablishing the English Church in Ireland was rendered possible. But were they always to trust their cause to the eloquence and the energy of the right hon. Gentleman? They all hoped that the right hon. Gentleman might be spared to them for many a year to come; but in the ordinary course of events they could not expect him to continue his work for ever, and it was unlikely that he would be succeeded by any statesman who would possess his peculiar qualities. The settlement, such as it was, of the Irish Church Question had been brought about by the enthusiasm and the sentiment which had been excited by the eloquence of the right hon. Gentleman; but the Act that disestablished that Church was marred by the provision introduced into it by the House of Lords, by which one half of the property of the Church was given to the clergy. An Irish Parliament would have dealt far more strictly with the clergy of that Church. And if the present Church of England

ever came to be disestablished, its clergy would be dealt with far less liberally. When the English Parliament undertook to deal with the Irish Land Question they were quite in the dark as to the course they should adopt with regard to it; and here, again, the necessity for a compromise rendered the Act useless, and prevented it from building up a system of land tenure which would probably have settled the question definitely and have rendered the present agitation unnecessary—an agitation which had led the Chief Secretary to state that it might be necessary for him to have to ask Parliament for further powers, and of which no one could see the end. That was the result of endeavouring to govern Ireland from England. He did not believe that an English Parliament could govern Ireland according to Irish ideas, for English people were always being misled with regard to Irish ideas. He should recommend them not to make such an attempt, but to join Irish Members in devising some plan by which the Representatives of Ireland might meet in their own country, and might be allowed to form laws for the settlement of the land and other questions that were now distracting it. He had been much criticized for his reference to 100,000 swords leaping from their scabbards. His reference was to the Irish Volunteer movement of 1782. Before that, the heads of Bills to be brought before the Irish Parliament had to be submitted to the English Government. By the Act of 1782 the Irish Parliament could initiate Bills without the assent of the English Government. This great reform, which was one of the leading features in the history of Ireland, was brought about by the establishment of the Irish Volunteers. That was a Constitutional Force, levied by Lord Charlemont for the purpose of assisting England against the French; but the fact was that that large trained force impressed the English Government of the necessity of showing some respect for the feelings of Ireland, and the Irish Parliament became free. He would not touch upon the history of the Union further than to say that, had the abolition of the English Parliament been brought about by the same means as that of the Irish Parliament had been, Englishmen would have long since risen as one man and have swept away the

Act that sealed it. The only reason why the Irish had not been able to do it was because they were the weak, and England the strong; because England was able to keep them down, having a large force of military and constabulary to enable them to do so. How long was that system of Ireland to continue? It was admitted, on all hands, that Ireland was a reproach to the Parliament of this country; and the question which was asked long ago—"How much good is Ireland to the King?"—might be asked to-day with equal effect. On the eve of Parliament separating, with a dark prospect before them in Ireland, the outcome of which no one knew, he thought they were entitled to ask the House how long they wished Ireland to be a reproach and disgrace to England, and how long did they wish the Irish people to live with only three bad harvests between themselves and famine, and how long did they desire that statesmen intrusted with the task of ruling Ireland must have before them at every moment the probable necessity of having to summon Parliament for the purpose of sustaining the Constitution in Ireland. These were very serious subjects for consideration, and although the Government might have a large Liberal majority, the more this majority examined into the task which it had before it, the more impossible would it appear to this majority to fulfil the obligations cast on them. He did not say they had not the inclination, but he knew they had not the knowledge, to carry out their will. He was an attentive observer while the Compensation for Disturbance Bill was passing through that House; and he could not help feeling that the Chief Secretary for Ireland, at every stage, was suffering from the pressure that was put on him. There was a want of belief. ["No, no!"] Well, he was only stating his impression; but his feeling was coupled with one of admiration for the way in which the right hon. Gentleman stood up against his difficulties. He could not help feeling a sort of compunction when he was compelled to attack him in order to counteract the forces which hon. Members on both sides were exercising. When they got rid of landlords as a source of disunion in Ireland, and which made it necessary to support English misgovernment in Ireland—when they had taken away from the

landlords of Ireland the right of inflicting injustice, they believed they would make them as rational as when they stood side by side with Grattan and Lord Charlemont and the Irish Volunteers in 1782. He trusted the exertions of that day, continued as they would be from time to time, would bear fruit, and that English Members would be content to give Irishmen the right of making laws for themselves.

MR. W. E. FORSTER said, the hon. Member for Cork (Mr. Parnell) had made a very able speech. He had also made a speech in what he (Mr. W. E. Forster) might be allowed to say was a moderate tone, and in a kindly tone to himself; and he could only state that, with such speeches as that, he trusted that their discussions might be conducted in future, and to-night, with good humour and kindness. He disagreed with some of the hon. Member's statements, and with much of his inferences; but undoubtedly he had presented his case for Irish separate government in a very eloquent and able manner. Perhaps the hon. Member would excuse his not going into the question of the dissolution of the Union, or of separate government, or of Home Rule this evening. His view of the matter, and the view of the Government on the matter, were well known, and the hon. Gentleman had not brought forward, and, in fact, he began his remarks by saying that he brought forward no plan. He did not abide by O'Connell's intention of returning to the Irish Parliament before the Union. He did not attempt to meet the difficulties of Mr. Butt's proposals on Home Rule; and as he had not answered those difficulties he (Mr. W. E. Forster) could not but think that they in some way weighed with him, though he stated that what he looked forward to was confidence in the Irish people and the English people to find some mode in which the arrangement could be made. Well, he (Mr. W. E. Forster) still believed that the difficulties and the great disadvantages of any plan of disunion were so strong that not only the English and the Scotch, but the Irish people themselves, would more and more be opposed to it. The hon. Member said that if England had been in the position of Ireland, and the abolition of the English Parliament had taken place, it would have been long before England would have forgiven it. Undoubtedly that was

true; but, although there was a Nemesis in all these matters, he thought Nemesis sometimes was satiated, and punishment no longer followed if there was a different course. There was the case of Scotland. He did not know that the Irish Parliament was abolished in a much more disgraceful manner than the Scotch Parliament. In Scotland the feeling lasted long; it had disappeared. He trusted the same result would eventually happen in Ireland. Well, he did not think the House would expect him to go into that very deep question to-night, or endeavour to follow the hon. Member into what he had himself not completed. He had stated that nothing had been done for Ireland except from English alarm at the state of things in Ireland—that no reform had been obtained without being wrung from them. Well, he really did not believe that was so. He could look back to the two last great reforms—to the abolition of the Irish Church and the Land Bill. Whatever hon. Members might think of the remark of his right hon. Friend to which allusion had been made, he did not think there could be any doubt by any man who saw the temper of the people at the Dissolution, or at the Election that followed it, that the overpowering feeling amongst the Liberal constituencies of England, reaching even some of their Conservative opponents, and those who were non-party persons, was that they must do justice to Ireland, not from fear of Ireland, but from a strong sense of feeling that they owed a duty to Ireland. The Irish Church was an evil that had to be got rid of, and it was a disgrace to the English that it had not been got rid of before, and the relations between landlord and tenant had absolutely required alteration. The hon. Member had based his Motion to-night on what had taken place this Session, and he wished to speak with good temper about what had happened but could not be helped. Her Majesty's Government had not in the slightest degree changed their opinion as to the calamity which they thought it had been that the measure which they proposed, with reference to distressed parts of Ireland was rejected by the other House of Parliament. The hon. Gentleman thought that he had misrepresented facts in Ireland for what the hon. Gentleman considered a laudable purpose—namely, to pass a difficult Bill through

the House. He did not believe that the hon. Gentleman would think it right to do that himself, and certainly he (Mr. W. E. Forster) thought it would be very wrong. He did not believe that anything was gained by misrepresenting facts. He had never done this, and he hoped he never should. He believed that it was a small minority of the landlords who would have been likely to institute those unjust evictions, and that robbery of the interest of the tenant which the Government wished to prevent. He supposed that the hon. Gentleman would excuse his honesty at the expense of his knowledge, and would say that was only an instance of how completely misled any English politician must be if he attempted to interfere with the management of Irish affairs. Now, he did not claim any special consideration in that matter; but he thought he had had some means of getting information on the subject. He had studied Ireland for many years; he had seen that country in a great crisis many years ago; he had friends who had been constantly informing him in regard to Ireland; he had watched the debates in that House; he had now a little official experience—not for many months certainly, but a great deal of information had been crowded into a few months—and he must repeat his statement that he believed it was a small minority of the Irish landlords who were unjust and exacting. He was not going to debate that Bill over again; but he believed it would have had this advantage—that that small minority would have been singled out from the others. In the excuses that had been made for the Land League, it was said that they could not be expected to draw the line between good and bad landlords. It would not have been necessary for them to do this had the Bill passed. The Bill would have drawn it for them. As to the Motion itself, he did not deny that what had happened elsewhere had, to some extent, justified the argument which the hon. Member for Cork had used; and he much regretted that the decision of the very large majority of the Representatives of the Irish people should, in a matter of remedial administration, have been so completely set at nought by the other House. But then came the immediate practical question, how ought that defeat to have affected the action of the Government? He must admit

that, for himself, he had thought very seriously as to what ought to be the duty of the Government, and more especially of himself. It was quite true that he had never stated that he thought law and order could not be preserved without that Act; but he did state that he had absolutely believed that that Act was necessary to take from them the possibility of having to support a law which in any circumstances might be unjust. In the course of the debate he had endeavoured to throw the responsibility on his opponents. He thought the responsibility rested on them; but he was not surprised—in fact, he had prophesied—that he should be charged by hon. Members if he remained in a position to carry out that law. He had very seriously questioned whether he ought to remain in that position; and he thought the House would believe him when he said that if there were any temptation to any action one way or the other, it was a temptation to say that he ought to divest himself of any further responsibility. An hon. Gentleman had spoken of the Office of Irish Secretary as one which must be greatly desired. He could only say that position would have been given up by him, if he had felt it right to take that course, without any great reluctance. But he did not feel that he himself would have been justified in giving up his position on account of what was done in the House of Lords, and still less that the Government would have been justified in taking that action themselves. Then came the question of what was to be done. Well, the law must be obeyed; it was really a truism to say that the law must be obeyed, and order must be preserved, or every bond of society would be relaxed. He had stated last night that he fully hoped and expected that with the ordinary powers of the law they would be able to keep the peace and preserve order; but he had not concealed from the House that there were serious causes for anxiety. There was no fear of any rebellion or of any outbreak. There were persons who still believed that some Fenian movement was possible; but, so far as he could learn, it was the merest caricature of a popular movement, and need not cause any anxiety. But what did exist was considerable danger to individual life and insecurity to property. He must honestly say that, as far

as he was able to learn, that danger was not caused by the landlords. The cases which had been brought before him were not, in the large majority of instances, those in which the individual landlord had been to blame.

Mr. PARNELL asked if the tenants had not been evicted?

Mr. W. E. FORSTER believed they had. But he felt sure that, on a consideration of the circumstances, the hon. Member would allow there had been no injustice. He did not say there might not be something in the system which had brought it about; but certainly there was that insecurity; there had been those outrages which no Government that was worthy the name of a Government—no man in his position—could by possibility allow to go on without doing the utmost to stop them. An hon. Member had last night alluded to a murder in Mayo, and had said it was not an agrarian murder. Well, he had every reason to believe it was an agrarian murder; and the poor man, who had struggled with death for many weeks, was himself convinced that it was an agrarian crime. He did not believe much in threatening letters; but when a threatening letter was sent to the doctor who was attempting to cure that man, threatening his life if he cured his patient, that was a very distressing fact. He would not go into further cases. He would only say that he would not mind taking to the Irish Office any hon. Gentleman on the other side—he did not care what might be his prejudice—and he felt quite certain he could convince him that there were things happening in certain counties which no person could for a moment defend. And for those things the landlords at the present moment were not to blame. It was a knowledge of that which made him say last night that if they could not give security to life and property without it they would not hesitate to call Parliament together to give that security. And he had the fullest reliance that although the enormous majority of Parliament would feel as keenly as he should do the painful necessity of such an act, yet, if they once had it shown to them that there was that insecurity, and that the present powers of the Executive would not enable them to cope with it, Parliament would not refuse to strengthen their hands. He had always said they must

carry out the law; but he must also repeat it, if they found—as they had not within the last two or three weeks found—and as they hoped they would not find, that the landlords of Ireland were to any great extent making use of their powers so as to force the Government to support them in the exercise of injustice, the Government should accompany any request for special powers with a Bill which would prevent the Government from being obliged to support injustice. He would go further, and say, under any circumstances, if it was found that injustice and tyranny were largely committed—though he did not believe such would be the case—it would then be their serious duty to consider what their action should be, and he did not think that any man in the House would expect him to remain any longer the instrument of that injustice. God had been merciful to them; they were getting a better harvest. The condition of Ireland looked as if we could wait a few months to see what could be done. There was a very strong feeling—there was a determination—on the part of a large majority of that House—and he did not confine that feeling to Members on his own side, or even exclude from it those who had opposed them on the Compensation for Disturbance Bill—that the state of things described by the hon. Member for Cork must not be continued—that only two or three harvests should continue to stand between the tenantry of Ireland and a miserable distress, which would be starvation without relief. The Government were determined to the very utmost of their power to look into the causes of this state of things; and he thought the Irish people, notwithstanding the history of centuries, might look with hope and confidence—which he even thought might be shared by hon. Gentlemen opposite—to the Government, and allow them to have at least one year in which to try and solve this most difficult problem. It was a problem which required great ability. It was one with the solving of which he should have something to do, and he was painfully aware of his own deficiencies. He was obliged to deal with it, not through any wish of his own; but, on behalf of the Government, he thought he had a right to ask that some confidence should be reposed in them. The Government were determined to leave Ireland better than

they found it, and make the relations of all classes, and especially the landlords and tenants, more secure and satisfactory than they had been in the past. He had intended to say that he hoped the Irish Members would allow them now to proceed with the Business of Supply; but he would leave that to hon. Members themselves.

Mr. GIBSON said, he was sure the House would admit that there was no necessity for any apology from the right hon. Gentleman the Chief Secretary with respect to the very able speech which he had just delivered. Everyone must recognize that the right hon. Gentleman had the good of the country at heart, and all must feel and sympathize with the anxiety and difficulties that surrounded those charged with the grave and responsible duty of the administration of Irish affairs. It was not his intention, in the few words which he desired to address to the House, to follow the hon. Member for the City of Cork (Mr. Parnell) over the very interesting and wide subject which he had brought under the notice of the House. In good truth, he did not think that the hon. Member had given other hon. Members very much encouragement to follow him in this discussion. The hon. Member had referred to the very wide difference which separated him from those who had before him brought this question under the consideration of Parliament. O'Connell, when he brought this question forward—and it was one in which he was very much interested—found it necessary, if they meant to deal practically with the question, to formulate a scheme, and so also the late Mr. Butt, when he took it up, was compelled to submit a plan to the House; but the hon. Member for Cork, whose ability and whose industry everyone recognized, stated early in his speech that he had no plan whatever to lay before the House. Therefore, it was fair to assume that if the hon. Member had a plan—

Mr. PARNELL: I said that I did not propose to lay any plan before it.

Mr. GIBSON: If the hon. Member had a plan which he declined to lay before the House he could hardly expect the House to enter into the question as long as he kept his plan locked up within his own breast, and declined to take the House into his confidence.

It was true, indeed, that in the Resolution which he read to the House he asked the House to consider the necessity of a change in the legislative connection of the two countries, and in his speech he more than hinted that his scheme would involve the establishment of an Irish Parliament in Ireland. The hon. Gentleman stated that one of his reasons for asking the House of Commons to consider his Resolution was that an important Bill was rejected by the House of Lords. He supposed the scheme of the hon. Member included an Irish House of Lords; and he would ask what did the hon. Member think would be the fate of such a measure as the Compensation for Disturbance Bill if sent up to a House of Irish Peers? He (Mr. Gibson) did not feel called upon to differ from many of the propositions of the right hon. Gentleman the Chief Secretary for Ireland, who had spoken not ungenerously of the Irish landlords. But the right hon. Gentleman, in referring to the difficulties which necessarily surrounded the responsible position which he held with so much ability, stated that these difficulties had been somewhat increased by reason of the rejection of the Compensation for Disturbance Bill by the House of Lords. He (Mr. Gibson), however, would say, without the slightest desire to raise any contentious objections, that, in his judgment, as an Irishman who passed a considerable portion of his life in Ireland, and who was closely acquainted with Irish affairs, the opinion of the right hon. Gentleman the Chief Secretary was totally at variance, not only with his own opinion, but with the opinion of all, as far as he could find out, upon whose judgment and opinion he could place the greatest and most implicit reliance. He was happy to think that his opinion was so confirmed. The right hon. Gentleman the Chief Secretary had said that the great merit of the Bill would have been this: that it would have weeded out the small minority of Irish landlords who might have been inclined to press harshly upon their tenants at this juncture, and distinguish them from the large class who would moderately use the power at their command. In his opinion, the Bill would not have produced any such result; and, whilst it would have done little good to the tenants, it would have done much more

harm than good to the landlords. He did not now seek to go over what had been previously expressed against the Bill; but he was entitled to say this much—that the advantages were fully criticized while it was passing through this House, and not unfairly so; that he was, from his point of view, entitled to say that it was damaged irreparably in the good opinion of this House, and even of those who voted. Most unquestionably, before the Bill went to the House of Lords at all it was greatly damaged in the public opinion of the country. He would remind the right hon. Gentleman how the Bill was opposed and criticized in this House by many who were strong supporters of the Government, and in the House of Lords it was rejected by a substantial majority of Liberal Peers. If every Conservative Peer had withdrawn from the House of Lords, the Liberal Peers themselves, who usually acted with the Government, would have thrown over the Bill by a considerable majority alone. Even in the House of Commons there were two occasions on which the Irish Members who acted with the hon. Member for Cork withdrew their support from the Bill. The hon. and learned Member for Meath (Mr. A. M. Sullivan) moved the rejection of the measure, because it did not come up to his views, and it was distinctly opposed by him in a hostile Resolution which had the support of a body of Representatives from Ireland. It was, therefore, to be remembered that even if it had passed through the House of Lords the Bill had been opposed by a large number of the Irish Members. Again, looking at what had taken place since the rejection of the Bill, it was to be observed that not one of the outrages which had been reported from Ireland within the last month, nor any of the statements or propositions in the speech which had been delivered at Kildare by the hon. Member for Tipperary (Mr. Dillon), with which all in that House must be so familiar, would have been obviated if the Bill had become law. Those were circumstances which were to be borne in mind with reference to the rejection of the Bill. The last point to which he wished to advert was an admission of the right hon. Gentleman which he might fairly use against the necessity of the Bill. The right hon. Gentleman had pointed

out that none of the cases which had recently come within his notice were traceable to the action of Irish landlords; and that, he (Mr. Gibson) thought, was a complete answer to the forebodings—which he hoped were not strong in the mind of the right hon. Gentleman—as to what might possibly result from the rejection of the Bill. He (Mr. Gibson) hoped for a better state of things. The weather, and the prospects of an abundant harvest, led them to look forward to a brighter and more satisfactory state of things. Most unquestionably, the right hon. Gentleman had very much cause for satisfaction and hope in the present prospect of the harvest; and he (Mr. Gibson) sincerely trusted that when the House next met at the usual time of the year the right hon. Gentleman would be prepared to state to the House that his own experience of the country satisfied him that he was right in the favourable anticipations which he expressed at the conclusion of his fair and reasonable speech.

MR. JUSTIN M'CARTHY thought they had rather wandered away from the subject that formed the Motion of his hon. Friend the Member for Cork—namely, the impossibility of a satisfactory government of Ireland through the medium of a Parliament centralized and sitting at Westminster. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had said that the Compensation for Disturbance Bill was rejected by the House of Lords owing to the action of Members of that House who habitually supported the Government; but the fact afforded one of the strongest arguments that could be adduced in favour of the Motion of his hon. Friend. The Irish Members had never said that the present Government was not well disposed towards the Irish people, for they admitted that several of its Members had, in course of careers that might justly be called illustrious, made splendid efforts in the cause of Ireland; but they did say that, owing to the present system of a centralized Parliament, not even all their earnestness, and energy, and sense of justice could succeed in getting a fair consideration of Irish claims and a proper redress of Irish grievances. That was the fundamental justification of the Motion of his hon. Friend. What they said was, that here was a Parliamentary Institution

which was supposed to deal with all the interests of the Kingdom, and which yet, upon a matter of vital interest to one part of that Kingdom, was unable to do justice—broke down in the attempt, and perpetuated, so far as it could, a system under which, as the right hon. Gentleman had himself said, he could hardly attempt to govern Ireland. The attitude of the Irish Members to the Compensation for Disturbance Bill was not such an argument against his hon. Friend's position as the right hon. and learned Gentleman seemed to think it was. The Irish Members had never thought the Bill adequate or complete. They were, in the main, glad to support it, because it was evidence of a desire on the part of the Government to consider the claims of Ireland. It was not such a measure as would have been passed by an Irish Legislature. They were willing to recognize it as an instalment. But the Irish Members did think that the Government had shown a want of energy in their conduct in reference to the rejection of the Compensation for Disturbance Bill by the House of Lords. He remembered, 20 years ago, when the right hon. Gentleman the now Chancellor of the Exchequer held the same Office in a Liberal Government, that the House of Lords rejected the Bill for the repeal of the Paper Duties. The right hon. Gentleman then described the action of the Peers as a gigantic innovation; and carried a Resolution to proceed again with the same legislation. The country was meanwhile satisfied, seeing that the Government were in earnest, and in the next Session the same Bill was passed by the House of Lords without any trouble or resistance whatever. He thought that if the present Government had shown a similar spirit, much of the distrust and bitterness now existing would have been avoided. It was sometimes asked why Ireland was not as satisfied as Scotland in the union with England. He would give them some reasons in reply. In Scotland there was no such division as was engendered in Ireland by the creed of a small minority being imposed on the majority. The Scotch people, generally speaking, and allowing for small differences of form and dogma, were as one on the great religious question. There was not in Scotland, again, any example of the gigantic and compulsory confiscation which planted a band of foreign settlers

on the finest parts of the country. There was no illustration of that most unfortunate system which, by confiscating land and bringing in new and foreign tenants, made the name of landlord synonymous, in the minds of the majority of the Irish, with that of confiscator and oppressor. There was one other fact also on which he could not so much congratulate the Scotch—the old Highland or Gaelic population was disappearing—had almost gone; the great majority of those who inhabited the great cities were not by any means so distinct in race from the English people as were the Highlanders, and as now were the population of Ireland. He must say, besides, to the great honour of Scotland, that on questions affecting their interests, the Scotch had, for the most part, stood firmly together; and no Government, however strong, and however much inclined to abuse its strength, could venture to stand between them and justice in the manner in which almost every Government had done in the case of Ireland. The right hon. Gentleman the Chief Secretary complained that the Irish Members had no definite plan to submit to the House. But at what period in the history of reform did any Party not in Office come before the House of Commons with a settled cut-and-dried plan to be discussed by the House? No reformer in his senses would bring forward a deliberate scheme of reform unless he was a Minister in power. What the Irish Members wished to do was first to get the admission that the present system had broken down, and that some change was needed. When they could make that a question strong enough to unseat Ministries and elect Ministries they would very soon have a definite plan coming from the seat of authority. He believed the Chief Secretary, if he were so disposed, and were backed by a Cabinet, could himself shape out a plan for the better government of the two countries. There was a tolerably clear outline of a Federal principle to be found in other countries. If he were an Englishman he would advocate a scheme of Home Rule for Ireland as much as now, and he would also advocate a scheme of Home Rule for England. He was convinced that only by some adaptation of the Federal principle would it be possible to keep together different nationalities in harmonious working. It was not difficult to define in the clearest way the relative functions

of an Imperial Parliament and of a local Parliament. Such a plan as he had pointed out seemed to him at least the basis of a system of Home Rule for Ireland. The present system had totally broken down; and Session after Session it became more apparent that it was impossible, with the existing machinery, to get through the necessary and essential Business of Parliament, which was becoming more and more choked up with work, no matter what devices in the shape of local boards and grand Committees were resorted to. The Irish Party were convinced that most of the quarrels and acrimony between England and their country had grown out of the existing system. It was idle to tell Ireland that she was fairly represented in the House of Commons. There could be no fair representation where the vast majority had different objects, traditions, and interests from those of a small minority; and even allowing that majority to be never so just and never so well intentioned, they could not properly deal with the interests of that small minority. There could be no such thing as genuine union without unity; but if they had one Imperial system for all, and local institutions for the different parts, they would have a species of unity which would be a more genuine union than could be secured by any arbitrary and uniform system imposed on peoples differing in history, in traditions, and in objects, and who could only unite in legislation on one broad and common basis of Imperial interests.

Mr. WILLIS dissented entirely from the proposition that the present system, by which the affairs of Ireland were conducted, had broken down, and, on the contrary, contended that the Imperial Legislature was adapted to procure all the ends of government in Ireland.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

Mr. WILLIS, resuming, complimented the hon. Member for Cork City (Mr. Parnell) upon the calm and judicial manner in which he had addressed himself to the question before the House. He had listened to his speech with agreeable surprise, after the speeches of a different character which he had seen reported as having been delivered by the same hon. Member elsewhere. He



wished, however, as an English Member, to express his opinion that the hon. Member had failed to make out his first proposition—that a Parliament sitting at Westminster was incapable of dealing satisfactorily with Irish affairs. The attainment of the hon. Member's wishes could not be expected to be either easy or immediate. Many reforms in England had only been carried after prolonged agitation. England, in common with Ireland, had suffered from Tory obstruction, and from the opposition of an Assembly where exploded notions found a last and congenial resting-place. The abolition of Corporation Tests was only carried after 150 years of protest by the Dissenters; the abolition of the Corn Laws followed the Famine in Ireland, and Reform came as a sequel to the pulling down of Hyde Park railings and to the tears of the right hon. Member for the University of Cambridge (Mr. Spencer Walpole). England herself had had to wait longer than Ireland for needful reforms, and it was clear that precisely the same difficulties existed in both countries—difficulties that did not suggest the separation of the one from the other, but which went to the root of Parliamentary institutions. He gave his vote most cheerfully in favour of the Compensation for Disturbance Bill; but the House of Lords having rejected it, they must bear the responsibility, and he thought the Government had acted quite rightly in not taking any further steps in the matter. If hon. Members opposite would cease to speak of three nations and speak of them as one, if they would endeavour to forget the distinctions of race and religion, and if, through their leaders, they would appeal to hon. Members on both sides of the House, they would find that there was not a single measure which could be sustained by an appeal to the recognized principles of legislation which would not receive the substantial support of Members on both sides of the House. He contended that there was nothing which the people of England were not ready to do to bring about the prosperity and peace of the Sister Island. He hoped, therefore, that the hon. Member for Cork City himself would soon lose his belief in the efficacy of the remedy he recommended, and that a little conciliation might prepare the way for any measure of justice that might be required.

*Mr. Willis*

DR. COMMINS concurred in the wishes which the hon. and learned Member had just expressed for the peace and prosperity of Ireland, which was facetiously called a part of the United Kingdom; but the word was nothing but a mere formula, for the Union was nothing but a name. The Executive of Ireland was as separate as possible from that of England, while the administration was not the same, and, what was more, the principles of government which directed and ruled legislation for England were ignored when legislation was attempted for Ireland. In spite of the good wishes of hon. Members, Ireland would continue to be a separate nationality for many long years. What had been the effect on Ireland of that Act, which he was not afraid to call the cursed Act of Union? What was the condition of Ireland to-day? Had Ireland benefited by the connection with the more enlightened country? Was it better socially? Let them look at the riots at Dungannon! Let them look at the riots at Belfast! Did they tell a tale of improved social, moral, or economical condition. That House knew very well Ireland was no better in any sense for that Act. The days and nights lately had been spent in passing a Relief of Distress Bill! Were they ever to get done with the relief of distress? Were they ever to be anything but paupers before the world? Were they ever to be anything but prostrate, and unable to assist themselves, and all because of English legislation? Did Ireland enjoy free institutions? So far from that, he contended that Ireland to-day had less free institutions than Russia or Germany, for the people were not trusted with the liberty which was intrusted to children. He asked anyone who had ever travelled in Russia if the police there walked about armed to the teeth as did the Irish policemen with their Martini-Henris, their side arms, and their revolving pistols? No; the trapper in the backwoods, surrounded by Indians and wild animals, was never more thoroughly armed than those men. The fact was that Ireland was under a disguised martial law. The police were a kind of mongrel troops; they were dressed in a military dress, and armed with arms of precision; they were drilled every morning—not, like the English police, in a walled barrack-yard, so as not to be offensive to the people, but in the most public spot in the

neighbourhood of the barracks, for the purpose of showing Irishmen that they did not live under free institutions. In his opinion, the police did more to disturb the peace than to preserve it. There were 12,000 police in Ireland and 22,000 soldiers; so that now, 80 years after the accursed Union, Ireland, supposed to have free institutions, was kept in order by 34,000 soldiers and mongrel soldiers. There was no redress for all that until Ireland had the power to regulate its local affairs by a local Parliament. It was said—"You do not produce any plans." Did the Canadians produce any before 1867? What Canada produced was insurrections; she had to be governed by martial law until a Statesman arose (Lord Carnarvon), and now Canada had a system of self-government such as Ireland might have. He would not go into the details of the plan for Home Rule. It was time enough to go into details when Parliament accepted the principle. The head of Her Majesty's Government had proclaimed that the House of Commons was overloaded, and that it was impossible for it to do its work efficiently. If that were so, what remedy was offered? He could see by the countenances of English Ministers and others that they were weary of Irish work. Irishmen wanted them to be so weary of it that they would say—"Do it yourselves." Ireland had been brought back to the old famine-stricken condition more by English laws than by failure of crops. More than 500,000 people were affected by the Compensation for Disturbance Bill; but that was merely an instalment of relief, introduced, no doubt, with the best intentions. Though he might say hard things of Her Majesty's Government, he believed it was not Her Majesty's Government who were at fault, but the followers who played them false. They were deserted by their followers in that House. ["No!"] Why, 100 of their followers voted against the Bill, and if that was not desertion, what was? They were deserted by their own followers, and then that poor measure of relief was flung back in their faces by those who lived in that castle of indolence, that dreamland of drowsiness, the House of Lords. Why did not the Government then show some of that spirit which they exhibited when the Lords threw out the Abolition of Purchase Bill, or the in-

genuity which they showed when the abolition of the Paper Duty was in question? It was said that it was only a very small portion of the landlords who abused their power. But it was only a very small section of the population who committed murder or theft, and yet they had gaols and the gallows to keep that small section in order; but what had they for the felonious landlords, as they had been called by a high authority? It was said that the object of the Home Rulers was the separation of England and Ireland. He denied that they wanted separation. What they wanted was the opportunity of managing their own affairs, as Canada, the Isle of Man, and the Channel Islands had. So far from that leading to separation, it would destroy the barrier which now separated the two countries. In that sense the Home Rulers were the best supporters of the union between England and Great Britain, and those who opposed them were the greatest enemies of that union. The state of things in Ireland was not the result of any want of fertility in the soil, or any defect in the character of the people, because in every country in which they lived they had showed qualities which made nations and individuals great. In their own country alone these qualities were not successful. What was the cause? English misgovernment. They had waited long enough. Hope deferred made the heart sick. Gentlemen who wished Ireland to wait wished Irishmen to forget their past. Even if they would there were Froudes and Macaulays who would prevent them, and any attempt to do so would end in failure. The measures which the people of Ireland set their hearts upon were defeated by the House of Lords, and the Government were powerless to give them relief. They therefore proposed a measure of relief for themselves, and it was what had been called a re-arrangement of the functions of the Legislature, a restoration to Ireland of the right of governing herself. But it was said that England would not have her institutions Americanized by sanctioning any system of Federalism. Why, they had the authority of Lord Beaconsfield for saying that the next century would see the whole of Europe federalized—that Federalism was the politics of the future. Why, then, should not Ireland enjoy a Federal union with England, such as was enjoyed by

Canada, the Cape of Good Hope, and the other Colonies of England? That was what was demanded, and it would be for the mutual benefit of England and Ireland if the demand were complied with. Federation would also be equally beneficial to Scotland and Wales, and when they wanted it Irishmen would assist them; but they did not press it upon them if they did not feel the necessity for it. From those who would not adopt this system for Ireland he would like to hear what project they had which was not utterly futile. The projects of the Home Rulers might be called topical remedies for a constitutional disorder; but he considered that if there were scenes of disorder and bloodshed in Ireland during the coming winter the responsibility would rest on those who refused the just demands of the Irish people.

Mr. MARUM pointed out that the official Return of Irish agricultural statistics showed that the country was not prospering, and that, notwithstanding that 40,000 acres had been added to pasturage this year, the amount of live stock was much less than in the previous year. The decay of the country under the present Government was an argument in favour of the Resolution now before the House. The sound public opinion in Ireland was that the interests of that country, being almost wholly agricultural, were antagonistic to those of England, which were chiefly manufacturing and commercial; and that, without going back to the doctrine of Protection, something should be done for the benefit of Irish agriculture. The popular Members from Ireland stood at present in an invidious position. They told the people at the last Election to depend altogether on Constitutional means for the redress of their wrongs; but now they would have to go back and tell their countrymen that the efforts which they had made to improve the laws and remove the evils that pressed upon the people had been resisted and defeated in Parliament. The Chief Secretary had appealed to the Irish Members to use their influence to preserve order. He and the other Irish popular Members were disposed to do what they could in response to that appeal; but, unfortunately, they would return discredited by their failure to effect any good for their country in Parliament.

*Dr. Connors*

Mr. T. D. SULLIVAN said, that the smooth phrases of the hon. and learned Member for Colchester (Mr. Willis) could not affect the facts of the case. The Home Rulers were not claiming from England anything that belonged to her; they were only claiming their own. They found England in possession of stolen property—the liberty and rights of the Irish people—and they were there simply to reclaim possession of them. England had no right to put Ireland upon her trial and to say—“Give proof that what you demand is right and proper.” It was England that had to justify her conduct to Ireland. They would not accept the verdict of the English Parliament or the English Press, but would be ready to accept the arbitration of Europe, while the Irish people were denied the rights which were given them by God and Nature. Union might be talked of; but there was no real union between the two countries. The peoples were different, and had different views; but he fully believed that, were it not for the Act of Union, a much better state of feeling would exist between England and Ireland than that which now prevailed. After 80 years of this so-called union what was the condition of Ireland? It was a condition of division—it was a condition of slavery—it was a condition in which coercion and the suspension of the Constitution were the ordinary lot of the Irish people. They had mud huts for the peasantry, and iron huts loop-holed for rifles, for the Constabulary—a fact which, of itself, showed the state of Ireland. After 80 years of union between England and Ireland there had been a debate on the relative merits of bullets and buckshot for the Irish people. Ingenious minds had suggested great difficulties in restoring self-government to Ireland, and had concluded that in this matter Ireland must go to the wall; but the Irish Members were of a different opinion. They admitted that there might be practical difficulties in the way. But they were difficulties which Irishmen and Englishmen together would soon surmount if they came to consider the question thoroughly. The time must come when the Imperial Parliament would restore to Ireland the right of which she had been robbed. The Chief Secretary had stated a few nights previously, as one of the reasons why the government of Ireland was becoming

more difficult, that the intelligence of the Irish people was increasing and that they read more. What an admission was that! It was an admission that the advance of Irish intelligence was the foe of English rule in Ireland. In this matter the Irish people simply stood up for their national rights, and the Government of England had attempted the impossible task of killing out a distinct nationality. Irishmen might suffer years of oppression as they had suffered in past years; but they would outlive it, and the one thing they would not do was to abandon the distinctive national rights of their country. The sword had not killed them when it was tried, nor would the smooth speeches that were made to her now. England was in the dilemma that she could give Ireland no extension of liberty which would not work against herself in this matter of separate government. An extension of the franchise, for instance, would work out the fulness of the national demand for self-government. They might try the sword again. They might decimate the Irish people, and they might make a fresh chapter of darkness and bloodshed in the history of their country; but Ireland would outlive all such trials, as she had outlived others, and they would have to concede justice to her at last. At any cost, Irish Members would work out the national cause. They would bring the insurrection—the legal insurrection—into the midst of the House of Commons, and the machine would not be able to continue its working. At any cost to themselves and to Ireland they would stand by the liberties of their country, and the traditions handed down to them should not perish in their hands. But they asked the Government to meet them in a spirit of fairness and conciliation, and to come with them to a fair decision. There were signs that there were now at the head of the Government men who knew that to that complexion they must come at last. England would not get rid of her present difficulty until she consented to an arbitration on the claims of Ireland. He most cordially supported the Motion of his hon. Friend the Member for Cork City; and he assured the House that, though its Forms prevented a division being taken upon it, the question would be brought up again and again until the great question of the Parlia-

mentary relations between England and Ireland was settled.

MAJOR NOLAN said, he was glad the hon. Member for the City of Cork had brought forward the Resolution of which he had given Notice. The commercial class having been killed out in Ireland, there remained only the tenant farmers. It was they who constituted the bulk of the people of Ireland. During the present year the principal attention of the Irish people had been concentrated on the Land Question. That was certainly a most important question; but it was also important that the question of Irish nationality should not be entirely forgotten. The London newspapers seemed to think that the Land Question had completely crushed out the National Question in Ireland. That was a great mistake. The Land Question would probably be to the fore during the next few years; but when it was settled the National Question would again be the leading subject within legitimate bounds. When he spoke of legitimate bounds, he felt that he could appropriately illustrate the meaning in the words of Grattan, who said—

“We should never forget that the sea separates us from England; but the great ocean encircles the two countries.”

The Motion of the hon. Member for Cork City appeared to him to be happily framed. Without endorsing the Compensation for Disturbance Bill altogether, he gave a general approval to it. It was, no doubt, a very good Bill, though it was not altogether such a Bill as he should wish to see passed. The main point about it was this, however, that after it had passed the House of Commons it was rejected by the other House. That rejection had again drawn attention to the Parliamentary relations between England and Ireland. If there was to be a House of Lords at all, the question was, what should be their relation to Irish affairs? He feared the Irish Peers had adopted English manners and ways of thought to such an extent that they could not be considered Irishmen at all. He did not pledge himself to saying that the Upper Chamber in the proposed Irish Parliament should be hereditary; but, in deference to English feeling, the Home Rule Party had been willing to concede that it should be so. A hereditary House of Lords in Ireland might, perhaps, conflict a little with the popular branch of the Legislature; but

he thought that, on the whole, they would act according to the feeling of the country, and simply act like a safety drag on the down-hill progress of a coach. With respect to the English House of Lords, however, the position of Irishmen was different. It was quite possible for the Representatives of Ireland to convince the English Parliament that redress was necessary for the grievances of their country, and they had this Session succeeded to continue doing so. But they had no means of convincing or of acting upon the House of Lords in any way, and the rejection of the Compensation for Disturbance Bill had demonstrated, probably more than anything else which had occurred during the last eight or 10 years, the necessity of some change in the Parliamentary relationship of the two countries. The very fact of the Parliamentary relations of England and Ireland being such as they were obliged the Irish Peers to live out of Ireland, and the smaller proprietors naturally followed, as far as they could, their example; so that a large amount of income which would otherwise be spent in the country was withdrawn from it, and there was thus a conflict raised between two classes—those who remained behind and produced money, and those who spent it in another land. Some remedy for the evil might be provided if the Irish people were allowed in some fashion to govern themselves, and in that way to bring the influence of local opinion to bear upon those who paid so little regard to the duties of their position. He did not wish to detract from the power or ability of the House; but it would take its undivided attention for 10 years to do justice to Ireland, and in order to do that they should cease altogether to give any care to England, or Scotland, or the Colonies. He thought that Ireland should bear the same relation to the Imperial Parliament as an American State did to the Congress. In those circumstances, the question which had been raised that evening was, he thought, well worthy of attention.

MR. DILLON said, he thought the one thing that must be clear to hon. Members was that the attempt to rule Ireland from that House led to a serious interference with the ordinary Business of Parliament. English Members were, no doubt, often weary of discussions on

Irish subjects; but the Irish Representatives were, he could assure them, equally weary of having to listen to debates upon ground game and other matters of the kind which did not interest them, while they waited day after day and week after week for the discussion of Irish questions, with the disadvantage of being far removed from their homes; while English Members could, for the most part, attend to their ordinary business. The statement which they had heard that night from the Chief Secretary for Ireland was a new and remarkable departure from the line of policy hitherto pursued by the Government. The Chief Secretary had many times before promised protection to the Irish landlords; but he only promised protection to the Irish tenants in the event of circumstances arising which would cause him to introduce a Coercion Act. He said that it was only when there was a prospect of disturbance he would bring in such a measure; but he had forgotten that it might be the duty of Irish Members to their constituents to set up such a condition of affairs as would force the right hon. Gentleman to give the other Act which he had promised, even if he had to pass a Coercion Act. Never had such an extraordinary promise been laid before Parliament by a Minister as to say that what he could not do before Parliament rose he would do, if his hands were forced, in Ireland during the Recess. He (Mr. Dillon) would suggest the desirability of making a compromise—that the Chief Secretary should introduce a measure to give protection to the Irish tenant until Parliament met again. What use was there in putting a premium on disturbance? and why should not the Bill be passed now instead of having a special Session for it? With regard to the probability arising for this course and for the passing of this Bill, which they had been promised that night for the first time, he had only to say that it depended entirely on the action of the Irish landlords. He believed the speech of the right hon. Gentleman was valuable in Ireland, as it would act as an intimidation and a check on the Irish landlords, for it warned them that if they went too far the Government would come forward with a measure which would put a stop to those evictions. But there was one circumstance which the House ought not to overlook—namely, that,

*Major Nolan*

however good might be the intentions of the right hon. Gentleman—and he gave him credit for the best intentions—they had no security that, once Parliament had risen, his promise would be carried out by his Colleagues. Moreover, it was not impossible that the right hon. Gentleman should retire from that post, which he did not seem greatly to enjoy, and the Irish people might get neither a Coercion Act nor a Protection Bill, but be left to the ordinary course of the law, which was quite sufficient for the landlords of Ireland. It would, therefore, be the duty of the Irish Members not to cease their exertions on behalf of the Irish people until they had obtained from the Government a distinct and tangible pledge in the sense of the Chief Secretary's declaration. That declaration, he held, gave them a right to demand such a pledge. It was not because he had advised every man in Ireland to learn how to use a rifle that he should be accused of flying in the face of the Irish Government. That was a question he should try out during the winter—whether his countrymen should not have the right to possess a rifle and to know how to use it; and he thought it likely that after he went back to Ireland he would start a series of rifle clubs in every part of Ireland, and then they would see if it was foul treason and rebellion in Ireland to arm the Irish people and teach them how to shoot, and whether the Chief Secretary was prepared to stand by his language in that House. It was a mistake to suppose that the Compensation for Disturbance Bill was a measure which would have satisfied the demands of the Irish people at the present crisis. It was only another proof of the hopelessness of expecting that House to understand the position of affairs in Ireland, or to deal with them in an adequate way. The prevailing ignorance of the English Parliament in relation to Irish subjects was a most serious matter. Whenever a Bill was passed for Ireland, after much labour and exertion, it was expected that the Irish people should fall down on their knees and express their thanks. But the Irish people did not view the matter in that light. They were not grateful either to that House or to the Government, and, as far as he could judge, they were not likely to be so. To return to the statement of the Chief Secretary, it was a mere truism to say that

the law must be obeyed. The right hon. Gentleman did not forget, surely, that under the tithe system many very estimable gentlemen wilfully broke the law and incurred penalties for doing so, in order to compel its being altered. The Quakers, for instance, had done so. The Irish Land League advised the people, in some respects, to resist the action of the law, but not by violence or force of arms. Quite the contrary; they had never given such advice. They had held upwards of 160 meetings in Ireland, and in no single instance had a breach of the peace taken place at any of those meetings. A more foul calumny was never uttered than the attempt to charge every outrage in Ireland to the Land League. Before the National Land League came into existence outrages were far more frequent and more deadly than they were to-day. That organization had saved many a peasant the shelter of his homestead, and had saved the life of many a landlord who, but for its action, would have been a dead man. The Chief Secretary for Ireland had made a strong appeal to the Irish Members to show forbearance towards the Government, and allow them time to prove that their intention to do justice to Ireland was sincere; but the only proof he had yet given of that sincerity was the appointment of a Land Commission, in which the Irish farmers had so little confidence that they would not lay their case before it. He supposed they might get some farmers to go before it by giving them 10s. a-day. Protection was most needed for the small farmers of Ireland. The National Land League in three parts of Ireland was the representative of the small farmers, and the small farmers in those three parts had said they would not go before the Commission. Let the Chief Secretary for Ireland pass a short Bill saying there should be no eviction till Parliament met again, and Irish Members would leave those Benches unoccupied—at any rate, they would not be antagonistic—during the remainder of the Session. What had Irish landlords done during the last 20 years? From the year 1841 to the year 1861 73,000 houses were levelled in the Province of Connaught. What had become of the families who occupied those houses? In 10 years, during which there was no famine or distress in Ireland—from the year 1861 to the year 1861—6,000 houses

of the Union it was said by the leading English statesmen, among whom were Pitt and Castlereagh, that the union of the two Parliaments would promote the tranquillity of Ireland; yet three years had not elapsed from the date of the Union before the blood of a brave young Irishman flowed from the scaffold in Thomas Street because he had the courage to resist inhuman laws; and the memory of Robert Emmet was to this day cherished by his countrymen, who regarded him as the highest exemplar of a pure and courageous patriotism. Many English gentlemen, who were disposed to charge the Irish race with a turbulent, seditious spirit, should trace that spirit to its source, and they would find it not in the character of the Irish race, but in the character of the laws to which that race had been subjected for centuries. The Constitution had been suspended in Ireland no less than 29 times in 80 years. Could it be maintained that a Government that could only keep order by imposing a state of siege was a beneficial Government for the people of Ireland? The Chief Secretary objected to the proposition of the hon. Member for Cork City, on the ground that he had no plan to substitute for the present arrangement. But when it was proposed to alter a legislative arrangement that had existed for 80 years, Parliament would necessarily find itself face to face with a large and comprehensive task. He remembered how the late lamented Mr. Butt did bring forward a Motion, with definite proposals as to the way in which he would have the legislative machinery of the two countries arranged, and he remembered also how the Chief Secretary received his Motion. He said it was of no use for the hon. and learned Member to talk of an Irish Parliament until he had changed the current of public opinion on the question. The hon. Member for Cork had, therefore, shown a great deal of political wisdom in declining, in this state of affairs, to bring forward any detailed plan for the establishment of an Irish Parliament. The establishment of a separate Legislative Assembly for Ireland, authorized to deal with purely Irish subjects by no means involved a total separation of the two countries. By granting the demand of the Irish people in this matter they would relieve that House from obstruction, and from the continuous strain, now

religious, now educational, and now political, which the discussion of Irish affairs involved, while the connection between the two countries would be preserved. They had heard a good deal about the House of Lords; but the Lords of Ireland sold their country on the floor of the Irish House of Commons 80 years ago. When he said that, he must add that they were not, after all, Irishmen, but Anglo-Irish Lords. They had done nothing to condone their treachery of 80 years ago; they were essentially anti-Irish; and if there was to be a settlement of this question, and Ireland regained her old Constitution, the Irish Lords might remain in "another place;" and, so far as Irish Members were concerned, he could promise them that a golden chain of silence should protect them in the land to which they had given their allegiance. If there was any part of the plan submitted to the last Parliament by the late Mr. Butt about which he was not confident, it was that portion which contemplated the restoration of the Irish House of Lords. He had no faith in such a restoration. In addition to the Irish House of Commons, he would have a second Chamber formed on the model of the French, the United States, or the Canadian Senate, and to these two Bodies should be left the transaction of all purely Irish affairs. Let England yield to the just demand of Ireland to conduct her own affairs, and the Imperial Parliament would be lifted to a position equal to its great responsibility. It would be no longer fretted and harassed by continual consideration of those Irish questions which, after 80 years of experience, it was obliged to confess by the mouth of the Chief Secretary it was unable to deal with, except under a condition of agitation which threatened another suspension of the Constitution in Ireland. During those 80 years Ireland had been always either subject to, or threatened with, coercion. The peace had been preserved by Coercion Laws, or by the terror of such laws. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant had not asked for extraordinary powers from Parliament; but he had stated very plainly that he might have to ask for such powers before many weeks were over, and that was what they called a Government beneficial to the people of Ireland. He (Mr. O'Connor Power) had spoken with many

hon. Members who sat on the other side, and who, he knew, were sincerely desirous of promoting the welfare of Ireland; but he was surprised at even their incapacity to understand the condition of Ireland politically and socially. One of the most liberal and friendly Members of the Liberal Party had said to him within the last 48 hours—"This Home Rule you ask for would, if it were granted, save us a deal of trouble; but then there is the religious difficulty. Your Catholic Parliament would tyrannize over the Protestants in Ireland. There would be no security for religious liberty." There were, he knew, tens of thousands of Englishmen who raised the same objection to a compliance with their demand; but a greater fallacy could not be conceived. Those who raised the objection ought to come before the House with clean hands. Were the Protestants of England and Scotland remarkable for their religious toleration? Did they show that they were by the Representatives they sent to that House? Why, the number of Catholics that had been returned to Parliament by English and Scotch constituencies since the Reformation might be counted on the fingers of one hand. For his own part, he could only recollect two Catholics who were returned during that long period; and yet it was said that Irishmen could not be trusted with the exercise of Constitutional liberty because they were such bigots in the matter of religion! What was the case in Ireland? Catholic constituencies sent Protestants to represent them in that House; and the Dublin Corporation, each alternate year, elected a Protestant to represent the City as its chief magistrate. How often could such a thing be said of England or Scotland? So rarely, let him say, as that they might well be disposed to forget that such a thing had ever occurred at all. The religious bogey was, therefore, as inexcusable and as hollow in an intelligent English mind as a great many other bogeys which had prevented many well-meaning, sincere, and honest Englishmen from doing their duty to Ireland, and could not for a moment be advanced as a reason for opposing the Motion which his hon. Friend had placed upon the Paper. His hon. Friend was representing the doctrine of Irish nationality in the Motion he had made. He (Mr. O'Connor Power) gloried in the senti-

ment of nationality, for no people ever made a permanent mark in history who were not willing to make every sacrifice in order that that sentiment might be handed down to posterity as the guardian of the virtue and the courage, the honour, and the manhood of the nation.

MR. LITTON said, he had listened with great regret to the speech of the hon. Member for County Tipperary (Mr. Dillon)—a feeling of regret which, he felt sure, was shared in by every Irish Member outside the Third Party in the House; but he felt called on, as an Irish Member, and in the name of the Irish Members who were outside that "Third Party," to protest against the idea that the opinions expressed by the hon. Member for Cork City (Mr. Parnell), the hon. Member for Tipperary (Mr. Dillon), and the hon. Member who had just addressed the House represented the opinions of the people of Ireland. It was true the hon. Gentlemen represented the opinion of the constituencies which had returned those hon. Members. Those hon. Gentlemen were not slow to express in speech after speech, day after day, and night after night, the opinions which they held; and they were careful to impress upon the House, and upon the country at large, that those opinions were the opinions of the Irish people. He denied that they were. Now, he had some experience of Ireland. He had been in the North and in the South, and was well aware of the opinion of the vast majority of the Irish people; and he ventured to say that if they went outside the humbler classes—those classes so susceptible to the language addressed to them by the Land League—if they went to the Irish farmers of any position, if they went to the commercial classes, and still higher, to the educated classes, where legitimate influence prevailed, they would find a preponderating opinion among those classes against the opinions advocated by the 25 Gentlemen—[Cries of "60," "65!"]—who were audacious enough to come to that House, and in the presence of other Irish Members, who had too long kept silent, announce that they spoke the unanimous voice of the Irish people. It was said that there were 65 out of 105 Members who were in favour of the views of the hon. Member for Cork. Where were they the other night when only 21 walked into the Lobby with him on a test question? Where, on that



occasion, were the 45 Gentlemen who had dissociated themselves from those extreme opinions, which were not the opinions of the Irish people? Therefore, let not the House believe, above all, let not the English people, through the Press, believe that the 21 hon. Gentlemen who had followed the hon. Member into the Lobby were entitled to speak for the Irish people. Hon. Gentlemen opposite talked of public opinion in Ireland; it had been said by the hon. Member for Cork City that he and those who spoke his views represented Irish opinion. But what was the public opinion to which he referred? It was the public opinion of that narrow circle within which they moved, the opinion of that class which was most susceptible to the exciting and inflammatory language which was the curse of Ireland. That was the public opinion which was represented to be the true public opinion of the Irish people. He denied that it was. That House had been forced to listen to the arguments of hon. Gentlemen repeated over and over again. There was no lack of speaking on their part. Whether questions referred to England, Scotland, or Ireland, the Irish Party were not separate Members for Ireland; they came there as Members of the Imperial Legislature, responsible, like other Members, for the discharge of the Business brought before the House. It was urged by the hon. Member for Cork that there was an inability on the part of that House to legislate for Ireland. Was there a want of time? Grant that there was. But from what did the want of time come? From expending it. Was it just, was it reasonable, was it fair to demand that there should be a Parliament in College Green, on the ground that there was not time to discuss Irish questions here, when the inability arose from the action of those Gentlemen who made the demand. The argument thus used, repeated and enforced so strongly by the "Third Party," amounted to this—they first created the difficulty, and having created it, they used it as an argument why that House should accede to their demands. It was said that the Land League ought to have the credit of maintaining law and order in Ireland. He would like to know on what principle? It might be true that in the places where the Land League was

strong crime was not so rife as elsewhere—that was, there was no assassination of landlords from behind hedges, or cruelties committed on unoffending beasts. But why was that? Because the League had established a system of terrorism by their marching of armed or unarmed men to their public meetings, followed by notices that whoever took the land of an evicted tenant should be shot. That was the terrorism which secured an immunity from crime for a time, because there was a belief that the Land League was the instrument for carrying out their illegal designs and objects. He did not complain of agitation. It was a legitimate instrument in a free State, when used on the principles of justice and morality; but it could not be justified when adopted as an instrument for carrying out any end not compatible with justice and morality. And if it was said that the end justified the means, he could only reply that to deprive one's opponents of life was not an end, no matter how glorious it might seem to certain hon. Members, that could possibly either justify the means or be itself justified. From his knowledge of the father of the hon. Member for Tipperary (Mr. Dillon), he believed if that gentleman were in the House he would be the first to denounce the means, not avowed, but hinted at by the hon. Member. ["No, no!"] Hon. Gentlemen cried "No;" but he had stated what he believed to be a fact. Such opinions were not the deliberate opinions of the Irish people. He repudiated altogether the authority of the 25 Members who constituted the Third Party, and denied their right to speak on behalf of the people. They had, indeed, spoken for their constituents; but both the whole of Ulster and any conceivable Parliament in College Green would repudiate those opinions. He believed, further, that an Irish Parliament established in College Green under the auspices of the hon. Member (Mr. Parnell) and his supporters would result in civil war. If rifles were put into the hands of tens of thousands in one part of Ireland, a similar army would spring up in another part; bloodshed would ensue to an incalculable extent, and the prosperity of the country would be destroyed for centuries. It was his honest conviction also that the changes desired by certain hon. Members would result in the abolition of landlords throughout Ireland;

*Mr. Litton*

and he had, therefore, ventured to speak for the Irish Members who did not hold the views of the hon. Member for Cork City, and to impress upon the English Members and the English people that they should not place reliance on the statements made by the hon. Member and his supporters as representing the opinions of the Irish people, because he believed, in his conscience, that those statements were not correct.

MR. NEWDEGATE said, the hon. and learned Member who had just addressed the House appealed to English Members; and he, as an English Member, responded to his appeal. He admired the prudence of the hon. Member for Cork (Mr. Parnell) in bringing forward this question in such a manner that the House could not divide upon it; but he would here call the attention of the House more particularly to the interpretation given of the hon. Member's Motion by the hon. Member for Mayo (Mr. O'Connor Power). The hon. Member for Mayo always spoke eloquently. No Irish Member spoke better. But what was the substance of the speech which he had delivered to-night? He plainly advocated the restoration of an Irish Parliament on College Green. That was the interpretation which he (Mr. O'Connor Power) put upon the Motion of the hon. Member for Cork—"Hear, hear!"—and the hon. Member who cheered he well remembered as formerly numbered among the Repealers of the Union in this House. He could not help admiring the modesty of the hon. Member for Mayo, when he told them that the intention was that there should be a full representation of the Irish people in the Parliament on College Green; but he improved upon the state of things by saying that, when Ireland had a separate Parliament, a certain number of Irish Members would still be sent into this House to take part in the conduct of Imperial affairs. Perhaps hon. Members did not at once realise the full meaning of that proposal. It amounted simply to this—that Ireland was to be doubly represented; that she was to be represented fully in the Parliament on College Green, and also represented in the Imperial Parliament of the United Kingdom! Now, he was quite certain that if such a proposal had been submitted to Mr. Pitt, it would not have been included in his plan for cre-

ating the Legislative Union between the two countries; and, as allusion had been made to Mr. Pitt, he would call the attention of hon. Members on the Home Rule Benches to the fact that Mr. Pitt proposed and carried the Act of Union before Catholic Emancipation, and at a time when there was a high property qualification for Members of this House. He would also call the attention of Irish Members to the fact that English Members representing English constituencies were not imbued with those Communistic doctrines which had been enunciated by the hon. Member for Tipperary (Mr. Dillon), and that it was possible that the English people might take into their consideration other remedies for the gross inconvenience to which this House had now been subjected by the extraordinary conduct of certain Irish Members—one of those remedies being the restoration of the property qualification. When once such a measure as that was passed, he did not think they should again hear within those walls speeches so fraught with Communistic doctrines as that which they had listened to from the hon. Member for Tipperary.

MR. A. M. SULLIVAN said, he certainly had not intended to make any speech at that hour; but it was impossible to pass over, without a word of comment, the comical exhibition made by the one Member for all Ireland, who came from Tyrone (Mr. Litton), and who had now left the House. The hon. and learned Member, in a tremendous effort, had delivered himself of that speech in defence of Great Britain. He had protested against the absurdity of 25 Members being allowed to speak for Ireland, while he claimed that one should be allowed to do so. When the hon. and learned Member was corrected, and informed that there were 65 Members who held the opinions which he condemned, he asked where they were to be found? It was fitting that his hon. and learned Friend should have fired off his little gun that evening, as, otherwise, the great Liberal Party might have asked to-morrow what had become of the Irish Home Rule Liberals? Had they been wiped out altogether by this billow of Parnellism? As one brave Roman had kept the bridge, in the brave days of old, so one brave Tyrone man would save the British Constitution! But he would warn the Govern-

ment with regard to these innocent utterances of the hon. and learned Member for Tyrone, although, perhaps, they needed no warning. There were men on the Treasury Bench who knew that in the Corridor they would find the *Gazettes* of the reign of James II. in which they might read that while that unfortunate Monarch was on the brink of a precipice and in the commission of outrages against the principles of civil and religious liberty, fulsome addresses of loyalty were being published by the Littons of the Party, assuring him that he had the whole of the British people at his back. There were statesmen on that Bench who had read the loyal addresses that came from America, alluring George III. to the fatal step that lost him the American Colonies, and re-assuring the Government at home, and calling upon them to stand firm against those Parnell demagogues, Washington and Franklin, at the same time assuring them that there was a loyal people in America to defend the King against their attempts. The hon. and learned Member for Tyrone was a lawyer, and ought, therefore, to know something about Constitutional Law; but how did he propose that Her Majesty's Government should gauge constitutionally what was or was not the opinion of the Irish people? His speech was a specimen of the infatuation with which, at all times, some little faction had attempted to speak with the voice of the nation. The late King of Naples used to declare that he had the feeling of his people with him, and that it was only the uneasy few who protested against his rule. The utterances of the hon. and learned Member were the most revolutionary that could be made. If the influence of the constituencies, at a General Election, were not to be potential to put Ministers on the Treasury Bench, would the hon. and learned Member propose or invent some means by which the mind of the people of Ireland might be demonstrated in a Constitutional way, if it were not to be by Parliamentary election? Against the expression of the popular will, the hon. and learned Member had only his own dogmatic utterances to offer. The hon. and learned Member was horrified at the agitation which had taken place, and proceeded to give the House an exceedingly interesting exhortation on the proper mode

of conducting popular agitation. He (Mr. A. M. Sullivan) deplored and condemned some of the incidents which had marked the present land agitation in Ireland, and some of the utterances which had characterized the public demonstrations which had taken place; but there never was greater folly than to suppose that the tumultuous feelings of a people could always be regulated by rule and compass. As the river would find its way from the mountain to the sea, and as the flood would tear its channel through valley and plain, so would the aspirations of the Irish people always tend to liberty and justice. It was well known that in all ages great popular movements took place in this way. If they came down to modern times, he would ask the hon. Members who were shocked by the violence now used, how the Reform Bill of 1832 was carried? It was only by the menace of civil war, and by the preparations for that civil war made by the Liberal Government of the day. It was on record, and it could not be denied that, from the Home Office itself, a letter was written to Sir Charles Napier, asking him to take command of the Revolutionary Forces which were to take the field, if the House of Lords continued to resist the will of the Commons. The language used then, which they all regretted and deplored, just as he regretted the language now used in Ireland, was as strong as that now used, and professed to be contented with nothing else than the utter extinction of the privileged orders. The Resolution passed at the Westminster meeting declared for absolute military revolution, and it said—"We will prepare our powder, we will melt our lead." He could not conceive that anything stronger than this could be said by the Irish Land League. And yet the language he had quoted was used by Englishmen who had professed their willingness to fight out the question at issue. He would quote a very remarkable sentence from the historian Hallam, who said that, in revolution, it was not by calm reason that they so often determined its action, but by the passions of the people great revolutions were brought about. He wished to say one word to English Members who had listened with considerable patience to this debate. Although some of his hon. Friends seemed to have complained

of not being answered from the other side of the House, yet, speaking for himself, he would say that he did not misunderstand the silence of the English Members that evening. He believed that they had been listened to by numbers of hon. Members who were new to that House, and who had not decided their case, but desired to hear it set out honestly and fairly. There might be others who had listened from different motives, and for different purposes; but he knew very well that the Liberal majority returned to that House was disposed to listen with some impatience to their bringing forward their national cause. What they said was—"We have only just been returned to this House; give us a trial in dealing with Irish affairs." They said that the British Parliament was perfectly capable of doing justice to Ireland; and as they had done something for Ireland during the past 10 years they wished an opportunity of doing something more. That, no doubt, was a most benevolent frame of mind; but a nation that had waited 80 years for justice to be done to it did not consider that that was a sufficient answer to their demands. What they asked was, that they might have the liberty of managing their own affairs. Ireland asked that England would trust her to manage her own domestic affairs; and she believed that she could do it as well as, if not better than, it was now done for her. He hoped that the common sense of Englishmen would see that the pressing needs of Ireland could not afford to wait for the convenience of an over-worked Assembly like this. If an Irish Parliament were generously given to Ireland to-morrow, it would have its work before it, if it sat every month in the year for the next 10 years, so vast were the duties that lay before a real Parliament for Ireland. Society in that country wanted reconstituting from its very foundations; and everything was so disorganized by the shameful government of the last 80 years, that, even with their own Parliament, it would take many years to set it straight. Not only could they not afford to wait for what the Liberal majority might be willing in their generosity to extend to them, but there was urgent necessity that the affairs of Ireland should at once be taken in hand by herself. It had been said that they could not drive three

omnibuses through Temple Bartogether; but in the case of Ireland it was attempted to drive half-a-dozen. It was said that the Irish Members were violent in their language; but there were some men who could not be moderate. He believed that he was called almost re-actionary; but was it not better that they should have the political opinions of Ireland stated in that House than that the dissatisfaction should take another expression in Ireland? A true statesman would not take the utterance of any individual as the expression of a nation's opinion. It was part of the statesman's duty to take into account the various opinions expressed, some in passion, some in judgment, some with temper, some without, to weigh them and to ask himself what was the will and mind of the Irish people. They did not want to be told that the English were acting for their good. That was altogether a sham. They did not want to be told by England—"We will do what is good for you." For 80 years England had been occupied with doing what she thought was for the good of Ireland, and what had been the result of the process? He had said it before, and he would say it again, because he knew that he was listened to by Members new to this Parliament, that agitation was the honest, healthy public life of a country. A good, vigorous, honest, public agitation was part of the constitutional life of every free country. But when that agitation had accomplished its purpose of educating the mind of the country, then it became necessary that its objects should be carried into effect. In every freely-governed country the will of the majority was the lever by which Constitutional changes were effected. In every civilized society, it was the recognized duty of the minority to submit to the will of the majority. But what happened in Ireland? There was always an exterior appeal of the minority in Ireland against the opinion of the majority of its own country. They had first to agitate any question in Ireland; and when they had obtained the verdict of the majority they had only half won their battle, and they had to carry on the fight the other side of the Channel. What was the result of all this? It was, that it took something hardly short of a revolutionary proposal to accomplish reform of any magnitude

in Ireland. The right hon. Gentleman the present Prime Minister had said that English public opinion was not directed by the state of affairs in Ireland until revolution had shown its head. It was not the explosion at Clerkenwell that frightened England, nor was it that England was terrified because a policeman was shot at Manchester. It was because these incidents succeeded in bringing home to the minds and conscience of honest-minded Englishmen the state of public opinion in Ireland. He did not believe that England was frightened of Ireland, or of any Irish insurrection. England was strong and powerful; but the occurrences he had mentioned had succeeded in raising public opinion in England to the state of affairs existing in Ireland. As a result, the Land Act and the Irish Church Act were passed. They now offered England a solution of the difficulties with which Ireland had to contend. If that proposition were adopted, it would pacify Ireland and produce peace and prosperity. But their proposal was not listened to, and he would tell them why. Because they must, if that proposal were adopted, give up their dominion—and dominion was sweet. England liked dominion, and believed it would do its best for Ireland, and it liked to keep in its hands the power to do that. But the result of that was, that some despaired that English public opinion would ever accomplish a settlement of this question. For his part, he did not despair of it; but he was sorry that others did. There were thousands of his countrymen who, when they read the articles in the London papers, saw in them the clenched teeth of men who would hold to their own, and would not listen to Ireland. Then the language of despair was used in Ireland. He confessed that he was sometimes tempted by what he read in the first English newspaper to look upon any possible settlement of this question as hopeless. He would ask the Government, and he would ask the House, not to misunderstand their position in this debate. The English journals would be the first at the close of the Session to taunt them with having let the Session pass by without raising this question. They had, therefore, to accomplish a duty not only to their own country, but also to English public opinion. It was, therefore, necessary to bring this matter up for

debate inside the House as well as out.

MR. FINIGAN said, that by the advice of his Leader, he was not going to say a word upon the subject of Home Rule. He rose, however, to ask the noble Lord the Secretary of State for India, Whether he had any news from Candahar to communicate to the House?

THE MARQUESS OF HARTINGTON said, he did not expect that question would be asked. Hon. Members had, no doubt, seen in the evening newspapers the news as to Candahar. The British troops had been successful, although the loss had been severe.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

#### CLASS III.—LAW AND JUSTICE.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £86,262, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1881, for the Salaries and Expenses of the Commissioners of Police, the Police Courts, and the Metropolitan Police Establishment of Dublin."

MR. T. P. O'CONNOR said, that he wished to appeal to the Government not to press at that late hour—1 o'clock—the discussion of these Estimates, which involved some important questions of policy. His part in the debate which had just been closed had been merely that of a listener; and, therefore, he could speak with candour of the patience that had been exhibited in the interesting discussion which had just taken place. Very important questions of public policy were raised by these Votes, and he was sure that the right hon. Gentleman would not proceed beyond 2 or half-past 2 o'clock. It should be remembered that they were then nearly at the end of August, and it was unreasonable to keep them from their beds at that time. He would appeal to the Government to postpone the discussion of these Votes, as much in their own interest as in that of the Committee.

*Mr. A. M. Sullivan*

MR. FINIGAN said, that he really must urge upon the Committee the very grave nature of the objection raised by the hon. Member for Galway City. They had had a very long and interesting debate that evening, and he was very anxious that the question of the Irish Vote should be considered calmly and dispassionately. Under these circumstances, he should move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Finigan.)*

THE MARQUESS OF HARTINGTON said, he hoped the Committee would be induced to make some progress with the Estimates. The hon. Member for Galway had complained that it was too late to discuss important Votes of the kind which would come before the Committee; but he (the Marquess of Hartington) must ask, if that were so, with whom the fault rested? Yesterday, according to the Order of Business, the Committee of Supply ought to have been taken at half-past 4 o'clock without the intervention of any debate whatever; and had that Order been observed, the Committee would have been able to enter upon the consideration of the whole of the Irish Votes at a time when it would have been impossible to say that there was not ample opportunity for discussion. But an adjournment had been moved for the purpose of making a personal explanation; and the whole evening, up to half-past 12 o'clock, had subsequently been consumed in a debate upon the present condition of Ireland. He (the Marquess of Hartington) said that it was not competent to Irish Members to complain that the Government wished to go on to an untimely hour with the consideration of the Estimates, when they themselves had, by an untimely discussion, contrary to the Rules of the House, entered upon a debate on a Motion which had been repeatedly declared by Mr. Speaker to be irregular and inconvenient. Seeing that time had been consumed in that manner, he did not think that a complaint, such as had just been made, came from the Irish Members with a very good grace. He admitted that, technically, the discussion of that evening had not been irregular. It was, no doubt, perfectly competent to the hon. Member for

Cork City (Mr. Parnell) to bring forward his Motion upon the subject of an Irish Parliament; but, in listening to that Motion, it appeared to him (the Marquess of Hartington) that the debate had wandered from the subject introduced by the hon. Member, and had virtually become a repetition of last night's discussion upon the state of Ireland. A day had been fixed, some time back, for the purpose of passing the Irish Votes; and now the House had been prevented, on two separate nights, entering upon their consideration until 1 o'clock in the morning. He had said that the hon. Member for Cork City was justified in making his Motion; but he could not altogether ignore the speeches of some hon. Members, made in the course of the discussion which had taken place, in which it was plainly avowed that the object was not the discussion of Home Rule, but a question of a totally different character. The hon. Member for Tipperary (Mr. Dillon) had made clear what was in his mind, by declaring that this opposition would not cease until he had obtained from the Chief Secretary for Ireland a pledge of a definite character, that some measures would be taken by the Government to prevent evictions during the winter. That declaration was one of which he (the Marquess of Hartington) thought the Committee would do well to take note. It seemed to him that the time had come when plain speaking was required; and he had only to say, on behalf of the Government and his right hon. Friend the Chief Secretary for Ireland, that Her Majesty's Government had no further pledge to give. The hon. Member was mistaken if he supposed that, by continuing that line of opposition, or any other line of opposition, he would extract from the Government any further pledge. Having spoken thus frankly, he had a right to ask hon. Members opposite whether discussions of this character were to be continued upon future occasions; whether it was their desire to discuss the state of Ireland; or whether it was their desire to wring from the Government a pledge which, as he had before stated, they were unable to give? Ample opportunities had been presented for the discussion of the present state of Ireland, and he thought the questions which had been raised had been fairly met by his

right hon. Friend the Chief Secretary for Ireland. He desired to speak on this question with all possible calmness, and he appealed to hon. Members from Ireland also to look upon it with the same feeling. He asked them to consider whether they believed that the course suggested by the hon. Member for Tipperary was calculated to advance the cause of Ireland in the minds of the English people. He believed that the cause of Ireland was not to be advanced either by force applied in or out of the House. He did not for a moment believe it was expected that the advocated separation of the Irish and British Parliament should be carried out contrary to the will of the great majority of the British people. Did hon. Members from Ireland suppose that conduct such as had been suggested by the hon. Member for Tipperary would conciliate to them the goodwill or friendship of the English people? He asked Irish Members whether, by dealing with measures of interest to the English people, they believed they were preparing their minds or hearts for the consideration of the policy which they wished the English Parliament to consider? He hoped he had spoken on that and all other occasions with moderation. He only desired to lay before hon. Members for Ireland considerations which he thought they would do well not to lose sight of. If Irish Members desired to discuss questions relating to Ireland, the House was at all times willing to give them the most full and patient hearing; but it was his business to tell them that, in the opinion of the Government, the time had arrived when the interests of the Public Service required that Supply should be considered without further delay. The interests of the country would not brook much longer delay; and the Government would soon have to ask the House, at whatever cost of labour, under favourable circumstances if they could, under unfavourable circumstances if they could not, to provide for the wants of the country—wants which must be considered above everything else.

MR. PARNELL said, he was sorry that the noble Lord the Leader of the House, who had apparently introduced a speech prepared in advance, should have adopted a line and tone which he was obliged to say were altogether unsuited and unnecessary to the occasion.

*The Marquess of Hartington*

The noble Lord had read the Irish Members a very grave lecture upon the opinions which he had pleased to attribute to them. In criticizing the remarks of the noble Lord, he would only say that, in his opinion, he had somewhat exceeded his functions as Leader of the House in announcing his intention to limit discussion, and also in expressing his opinion that Irish Members had exceeded their rights, as Members of the House, in putting forward a Motion in the ordinary way against Mr. Speaker leaving the Chair. The debate which had sprung up yesterday was undoubtedly of a remarkable character, and, he would admit, of some irregularity. But the noble Lord, who was in his place during that debate, and who now told the Committee that it was contrary to the Rules of the House, never once in the course of the proceedings made that objection or rose to any point of Order. Indeed, the noble Lord had himself spoken in the course of the debate; and, therefore, participated in the irregularity of which he now complained. But the debate of yesterday, just as it was exceptional in itself, was produced by exceptional circumstances, and he could not for a moment admit that his hon. Friend the Member for Tipperary (Mr. Dillon) was not entitled to use the most immediate means at his disposal for the purpose of putting before the House and the country his true position with regard to the aspersions which had been cast upon him by the Chief Secretary for Ireland. With regard to the debate of that day the noble Lord, a fortnight ago, admitted the importance of the question which had been brought forward; and he believed that hon. Members who had listened to what had been said in the course of that night's discussion would also be willing to admit the importance of the question, and the propriety of discussing it before the adjournment for the Recess. That question formed the only *raison d'être* of himself and 64 other Irish Members. If there were any cause of complaint with regard to the manner in which that discussion had been conducted, he should complain of the refusal of English Members to participate in the discussion of this most important business. He wished to except the speech of the right hon. Gentleman the Chief Secretary for Ireland, which had certainly been of a kind and conciliatory character, and had some-

what changed the conditions upon which, he thought, Irish Members should enter into the contest with regard to the Constabulary Estimates. He said this without having fully considered the matter; but he had derived the impression from the speech of the right hon. Gentleman that it had somewhat modified his opinion as to the course which should be pursued with reference to the Estimates. He did not, however, wish to pledge himself in that respect until he had an opportunity of consulting with hon. Members with whom he usually acted in that House. He had no particular objection to the Vote for the Irish Metropolitan Police; and, as far as he was concerned, he had no observations to make upon that subject, and, therefore, should not object to the Vote being taken that night. With regard to the Constabulary Vote, however, he could only say, without wishing to indulge in any threats, that he feared the Irish Members could not concur in that Vote being taken. He proposed that if the Government would consent to report Progress to undertake not to make use of any Motions against the Speaker leaving the Chair on Wednesday, and would also enter into a similar undertaking for Thursday, in the event of the discussion upon the Constabulary Vote lasting till noon. He hoped the Government would accept this proposal.

Mr. A. M. SULLIVAN said, with great respect, he must object to the noble Lord holding the Irish Party accountable for expressions used by one Member of the Irish Party. He did not understand the hon. Member for Tipperary (Mr. Dillon) to mean that he would continue this opposition with regard to the present debate; and he put it to the noble Lord not to allow his construction, and he must say his misapprehension, of the speech of the hon. Member for Tipperary to weigh unduly against the rest of the Irish Members.

Mr. W. E. FORSTER said, that the proposition of the hon. Member for Cork (Mr. Parnell) was a fair and reasonable one, and he saw no reason why he should not accept it. He imagined that the Metropolitan Police Vote was not one which would lead to any discussion; and he thought they might agree to proceed with that Vote, and, perhaps, with two or three others, upon the understanding that the Constabulary Vote should be

taken at an early time on another day. He was glad to remind the Committee of the statement of the hon. Member for Cork, that he did not himself propose that there should be any Motion against the Speaker leaving the Chair upon the next occasion. He understood from his noble Friend that it would not be convenient to take Supply until Thursday. He hoped they would be allowed to make some little progress with the Estimates.

Mr. ARTHUR O'CONNOR said, it appeared to him that the Irish Members had been treated on that occasion by the noble Lord with very scant justice. He thought they had good reason to complain that the Irish Estimates had been relegated to so late a period of the Session. The Government might have taken long ago those nights which had been set apart by the Standing Orders for the consideration of the Estimates had they chosen to do so; but they had squandered several nights which might have been devoted to Supply, and the consequence was that considerable delay had occurred in the transaction of Business. He maintained that that delay was clearly traceable to the action of the Government itself in introducing a number of Bills, which, after being advanced a stage, were allowed to block each other; whereas, had they chosen to devote successive days to the consideration of one or two Bills, they might have despatched several of them which, at the present moment, were hanging fire. It was not till the month of August had been reached that the Government resolved to take any kind of Business *de die in diem*, and then they applied that rule to the Business to which it was least applicable. They appeared to have forgotten that, except on Monday, it was competent to any hon. Member to move any Amendment he chose. The Government had, in fact, made the present week a kind of Parliamentary "No Man's Land." The Irish Members had good reason to complain that the Irish Estimates had not been brought on earlier in the Session when there was an opportunity for ample discussion; and it was very unfair, in the face of the continued and palpable obstruction which the Committee had witnessed week after week in connection with some English Bills, that complaint should be made of Irish Members getting a few stray hours for the discussion of the state of Ireland. With



regard to the other Votes in Class III., he was prepared to see them passed without discussion, although, under other circumstances, he might have had something to say with regard to them. But he must protest against the insinuations of the noble Marquess to the effect that they were responsible for the delay which had taken place in the Business of the Session. It was entirely owing to the mismanagement of the Government in proposing to take Supply as they had proposed to do this week. He could only say that conduct like that of the Government showed that they did not understand the mechanism of Parliament. The noble Marquess had proposed that they should be moderate in their views; and after the conciliatory speech made by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant he was prepared to be as conciliatory as could be wished. That speech had produced a very strong impression upon him; and he had great difficulty in realizing that the Government had any real intention of bringing in or carrying any substantial and remedial measure in connection with Ireland. But he had every confidence in the sincerity and good feeling displayed by the right hon. Gentleman; and, for his part, he most sincerely thanked him for his speech, which he thought would do an immense good in Ireland. It would be of great use in conciliating the people of Ireland, and would give them more ground for hoping to obtain justice from Her Majesty's Government now than anything else that had taken place that Session. It was in consequence of that speech that he was willing to withdraw his opposition to the Votes proposed; but, with regard to the subsequent Sitzings of the Committee, he thought it would be well if some understanding were come to. They had yet no assurance that they would not be asked to take Supply on Friday night. For his own part, he did not think that Thursday would be sufficient to get through the Constabulary Vote. But, even supposing Irish Votes were passed, there would remain the Vote for the Navy, and a great number of the Civil Service Votes and the whole of the Customs and Revenue and Post Office Votes. So far as he could make out, there was no very clear prospect of an early termination of

the Session. He would appeal to the Government to give the Committee some assurance that they would take Supply on Thursday and Friday as well as Monday next. Otherwise, the House would certainly be kept there for another month. It was exceedingly hard that hon. Members from Ireland should be kept at so late a period. They were really much more interested in an early close of Parliament than were Englishmen. He trusted that the Government would give them some distinct assurance as to the arrangements they proposed.

MR. GORST said, that he wished to say one word to the Committee, for, otherwise, silence would be liable to misconstruction. The remarkable statement of the right hon. Gentleman the Chief Secretary had caused considerable consternation; and the substance of it would be considered to-morrow by other than Irish Members. He was not in the House at the time the statement was made, although acquainted with its substance. The feeling produced in the minds of many by what had been said by the right hon. Gentleman the Chief Secretary was one of considerable consternation; and it appeared to them that it was the most remarkable statement that had ever been made by a Minister of the Crown in that House. It was probable that the question of the statement would be brought before the House before Parliament was prorogued. He only wished to state now that it must be understood that no person was pledged to anything stated by the hon. Member for the City of Cork (Mr. Parnell), to abstain from dealing with that statement in any way that they wished to do.

THE O'DONOGHUE said, that the speech of the right hon. Gentleman the Chief Secretary had been praised by the right hon. and learned Gentleman the Member for the University of Dublin. He begged to ask whether it was understood that the Constabulary Vote would not be proceeded with that night?

MR. W. E. FORSTER: Yes.

MR. GIBSON said, he wished to explain that he had only heard part of the speech of the right hon. Gentleman the Chief Secretary, and had not heard the particular statement referred to; and he must, therefore, reserve his judgment on that statement until he had carefully considered it. He

*Mr. Arthur O'Connor*

would, of course, reserve all criticism upon any measures which the right hon. Gentleman might bring forward until they were brought forward; and he would only say that, from all he had heard of the statement made by the right hon. Gentleman, it seemed to him to be so remarkable that he wished to reserve to himself entire freedom in criticizing it.

MR. FINIGAN said, that, from the statement of the noble Lord, he understood that they were going to take Number 34, the Dublin Metropolitan Police Vote. He wished to remark that it involved very serious questions.

THE CHAIRMAN said, that the hon. Member would have an opportunity subsequently to make any observations upon that point.

MR. FINIGAN said, that he was only going to remark this, that he had prepared a speech upon that Vote. He had also made some notes with regard to Vote 38, for Reformatory and Industrial Schools. The three Votes taken together would deal with something like £250,000; and if they were passed without any discussion whatever, he thought they ought then to be allowed to report Progress. If the Government agreed to that proposal, he should be very happy to withdraw his Motion to report Progress.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £56,613, to complete the sum for Reformatory and Industrial Schools in Ireland.

(3.) £4,286, to complete the sum for Dundrum Criminal Lunatic Asylum.

MR. ARTHUR O'CONNOR said, that he was not going to protest against this Vote, but would only remark that the objection brought by him against the Vote for Broadmoor Criminal Asylum applied very strongly to this Vote. He had read the Report of the Commissioners of Lunatic Asylums in Ireland, and he found that every objection brought forward by him with respect to Broadmoor applied to Dundrum in a very marked degree. The attenuated character of the staff at Dundrum was commented upon in very severe terms by the Report. He should like to obtain from the noble Lord the Financial Se-

cretary to the Treasury an assurance that the establishment should be looked to, and that adequate provision should be made for its requirements. There was another question in connection with the institution to which the attention of the Government ought to be directed, and that was the removal into it of a number of refractory criminals, not mad, but who were, through their persistent disregard of punishment, removed into the asylum, where they were a source of continual nuisance. This was a matter which had been very strongly represented by the resident medical officer on more than one occasion; and it became a very serious nuisance to an institution of this kind to have such people amongst its inmates. No matter what offence these persons might commit, the very fact that they were in a lunatic asylum prevented their being given any punishment. He had no doubt that now the matter had been mentioned it would be attended to by the right hon. Gentleman the Chief Secretary for Ireland.

MR. W. E. FORSTER said, that he had not had time yet to examine into the state of Dundrum Criminal Asylum; but he had certainly noticed the last point to which the hon. Member had alluded—namely, that persons were confined there who were not lunatics, and who were very difficult to manage. He could not give any opinion upon the subject now; but he would take the earliest opportunity possible of looking into it. He fully admitted that it was a matter which deserved the most serious inquiry and attention. With regard to Dundrum Asylum being cheaper than Broadmoor, it must not be considered that it was less efficient; on the contrary, he thought it was very successful, and a very good example to England.

MR. ARTHUR O'CONNOR said, that he hoped the right hon. Gentleman would take the trouble to read the Report of the Commissioners of Lunatic Asylums in Ireland, when he would see the objections which he (Mr. Arthur O'Connor) had raised fully set forth.

Vote *agreed to*.

MR. FINIGAN inquired, what would be the order of Public Business?

LORD FREDERICK CAVENDISH said, that to-morrow they proposed to take the Report of Amendments to the

Ground Game Bill and the Savings Banks Bill. The next in order was the Merchant Shipping (Grain Cargoes) Bill, and the remaining time would be devoted to Supply.

MR. BIGGAR said, that seeing that this was the first time he had been on his legs during the evening, he wished to state that, in his opinion, the speech of the noble Lord the Secretary of State for India was thoroughly uncalled for. He thought that the abusive language of the right hon. Gentleman the Chief Secretary thoroughly justified the discussion which took place yesterday evening. With regard to the discussion which had taken place that evening, half-a-dozen hon. Members had speeches prepared which they had abstained from delivering, simply for the convenience of other hon. Members of the House. With regard to the speech of the right hon. Gentleman the Chief Secretary that evening, which had been criticized so

favourably, for his part he (Mr. Biggar) had not the pleasure of hearing it; but he was always very sceptical with regard to promises of Ministers.

House resumed.

Resolutions to be reported *To-morrow*;  
Committee to sit again *To-morrow*.

#### SUPPLY—REPORT.

Resolutions [23rd August] *reported*.

LORD FREDERICK CAVENDISH said, that he had promised to inform the House on Report of the state of the works of Clare Castle. He had now been informed that those works were being proceeded with.

Resolutions *agreed to*.

House adjourned at Two o'clock.

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TO

## HANSARD'S PARLIAMENTARY DEBATES, VOLUME CCLV.

FOURTH VOLUME OF SECOND SESSION 1880.

### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1<sup>o</sup>, 2<sup>o</sup>, 3<sup>o</sup>, or 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negated.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Moved for, Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation to 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency; and also the annual expenses of the brigade depot system from its creation to April 1, 1880" (*The Lord Strathnairn*) August 19, 1544; after debate, Motion amended, and agreed to

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**Army—South Africa—The Zulu Campaign—Lord Chelmsford's Despatches—Military Organisation—The First-Class Army Reserve—cont.**

Address for, Return of the annual expense (including all charges for clothes, &c.) of the 1st Class Army Reserve, from its creation up to the 1st April 1880; and also the expenses of the maintenance of the families of this Reserve during the time the husbands were called to arms on the Russian emergency (*The Lord Strathnairn*)

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- a. Ordered: read 1<sup>st</sup> Aug 6 [Bill 306]  
 Read 2<sup>d</sup> Aug 9  
 Committee: Report Aug 10  
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 l. Read 1<sup>st</sup> (*Viscount Enfield*) Aug 12 (No. 191)  
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- c. Bill withdrawn Aug 5 [Bill 165]

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**BRYCE, Mr. J., Tower Hamlets**

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**Burials Bill [H.L.]**

(Mr. Osborne Morgan)

a. Moved, "That the Bill be now read 2"  
Aug 12, 1909

Amend. to leave out "now," and add "upon  
this day three months" (Mr. Balfour  
Hope) ; Question proposed, "That 'now,'  
do.;" after long debate, Question put ; A.  
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Census Bill [H.L.]

(*Mr. Dodson*)

a. Moved, "That the Bill be now read 2<sup>d</sup>"  
Aug 10, 861

Moved, "That the Debate be now adjourned"  
(*Mr. Arthur Balfour*); after short debate,  
Motion withdrawn

Main Question put, and agreed to; Bill read 2<sup>d</sup>  
[Bill 285]

Census (Ireland) Bill [H.L.]

(*Mr. W. E. Forster*)

a. Committee; Report Aug 9, 747 [Bill 284]  
Considered; read 3<sup>d</sup> Aug 10

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**Census (Scotland) Bill [H.L.]***(Mr. Arthur Peel)*

- c. Committee; Report Aug 9, 755 [Bill 286]  
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1. Order of the Day for resuming the Debate on  
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**Consolidated Fund (No. 2) Bill**

(Mr. Playfair, Lord Frederick Cavendish, Mr.  
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- c. Resolutions [August 9] reported, and agreed to;  
Bill ordered; read 1<sup>o</sup> Aug 10  
Read 2<sup>o</sup> Aug 11  
Committee\*; Report Aug 12  
Read 3<sup>o</sup> Aug 13
- l. Read 1<sup>o</sup> (Earl Granville) Aug 16  
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Amendt. on Committee of Supply August 6,  
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stock from the United States of America,  
restricts the supply and increases the cost of  
food, and, having regard to the freedom from  
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America, this House deems it desirable that  
Her Majesty's Government should consider  
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fication or removal" (Mr. Arthur Arnold) v.,  
522; Question proposed, "That the words,  
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*a.* Read 3<sup>o</sup> Aug 3 [Bill 278]  
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*l.* Read 1<sup>o</sup> (Lord President) Aug 12 (No. 192)  
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(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey)

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 Considered Aug 13, 1104; after debate, further Proceeding adjourned  
 Further Proceeding resumed Aug 13, 1156 [Bill 303]

Question, Mr. Gorst; Answer, The Attorney General Aug 16, 1223

Moved, "That the Bill be now read 3<sup>d</sup>" Aug 18, 1478

Amend. to leave out from "That," and add "this House is of opinion that the workmen employed in Her Majesty's arsenals and dockyards ought to have rights conferred upon them in reference to injuries received in their employment similar to those which are conferred by this Bill upon all other workmen throughout the United Kingdom" (Mr. Gorst) c.; Question proposed, "That the words, &c.;" after debate, Question put, and agreed to

Main Question, put, and agreed to; Bill read 3<sup>d</sup> [Bill 311]

l. Read 1<sup>st</sup> (The Earl of Redesdale) Aug 19, 1543  
 Read 2<sup>d</sup>, after debate Aug 24, 1555 (No. 199)

**Employers' Liability Bill—The Insurance Clause**

Question, Mr. T. C. Thompson; Answer, The Attorney General Aug 23, 1843

**England and Ireland—The Legislative Union**

Observations, Mr. Parnell; Reply, Mr. W. E. Forster; long debate thereon August 24, 2009

**Epping Forest Bill**

(Mr. Arthur Peel, Secretary Sir William Harcourt)

c. Committee<sup>o</sup>; Report; Considered; read 3<sup>d</sup> Aug 3 [Bill 279]

l. Read 1<sup>st</sup> (Earl Granville) Aug 3 (No. 179)  
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c. Committee<sup>o</sup>; Report Aug 4 [Bill 294]  
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l. Read 1<sup>st</sup> (Earl Granville) Aug 6  
 Read 2<sup>d</sup>; Committee negative Aug 9  
 Read 3<sup>d</sup> Aug 10  
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c. Ordered; read 1<sup>st</sup> Aug 8 [Bill 297]  
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**FEVERSHAM, Earl of**

Reporting in the House of Lords, Report of Select Committee, Res. 453

**Drainage and Improvement of Land (Ireland) Provisional Order (No. 4) Bill**  
(*Mr. John Holms, Lord Frederick Cavendish*)

- c. Ordered; read 1<sup>o</sup> Aug 5 [Bill 301]  
Read 2<sup>o</sup> Aug 10  
Report Aug 13  
Read 3<sup>o</sup> Aug 17  
l. Read 1<sup>o</sup> (*Lord President*) Aug 19 (No. 200)  
Read 2<sup>o</sup> Aug 24

**Drainage Boards (Ireland) (Additional Powers) Bill**  
(*Mr. John Holms, Lord Frederick Cavendish*)

- c. Committee; Report Aug 5, 428 [Bill 290]  
Read 3<sup>o</sup> Aug 6  
l. Read 1<sup>o</sup> (*The Lord President*) Aug 9 (No. 183)  
Read 2<sup>o</sup> Aug 13  
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- c. Question, Dr. Cameron; Answer, Mr. Mandella August 17, 1370  
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- Hares and Rabbits, *Comm. cl. 1*, 912, 1650; *cl. 3*, Amendt. 1746

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- Hares and Rabbits, *Comm. 823, 846; cl. 1*, 851, 853, 854, 857, 916, 918, 919, 920, 923, 936, 1611, 1612, 1619, 1623, 1634, 1636, 1638, 1639, 1680, 1684, 1723; *cl. 2*, 1728, 1733, 1737, 1742, 1745; *cl. 3*, 1747; *cl. 5*, 1761, 1764, 1775; *add. cl.* 1826, 1831, 1832, 1837; Preamble, 1838, 1839  
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(*Mr. Mundella*)

- c. Committee; Report Aug 6 [Bill 264]  
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l. Commons Amendts. considered Aug 13, 1088  
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**Elementary Education Provisional Orders Confirmation (Cardiff, &c.) Bill** [*H.L.*]

(*Mr. Mundella*)

- c. Report \* Aug 6 [Bill 268]  
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l. Royal Assent Aug 12 [43 & 44 Vict. c. cliv]

**Elementary Education Provisional Order Confirmation (London) Bill** [*H.L.*]

(*Mr. Mundella*)

- c. Report \* Aug 18 [Bill 281]  
Order for 3R. discharged; Bill re-committed Aug 19  
Report \* Aug 19  
Considered \* Aug 20  
Read 3<sup>o</sup> Aug 23



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**Employers' Liability Bill**

(Mr. Dodson, Mr. Chamberlain, Mr. Attorney General, Mr. Brassey)

c. Committee (on re-comm.)—R.P. Aug 3, 124  
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 Committee; Report Aug 6, 565 [Bill 309]  
 Considered Aug 13, 1104; after debate, further Proceeding adjourned  
 Further Proceeding resumed Aug 13, 1156 [Bill 303]

Question, Mr. Gorst; Answer, The Attorney General Aug 16, 1223

Moved, "That the Bill be now read 3<sup>d</sup>" Aug 18, 1478

Amend. to leave out from "That," and add "this House is of opinion that the workmen employed in Her Majesty's arsenals and dockyards ought to have rights conferred upon them in reference to injuries received in their employment similar to those which are conferred by this Bill upon all other workmen throughout the United Kingdom" (Mr. Gorst) v.; Question proposed, "That the words, &c.;" after debate, Question put, and agreed to

Main Question, put, and agreed to; Bill read 3<sup>d</sup> [Bill 311]

l. Read 1<sup>st</sup> (The Earl of Redesdale) Aug 19, 1543  
 Read 2<sup>d</sup>, after debate Aug 24, 1555 (No. 199)

**Employers' Liability Bill—The Insurance Clause**

Question, Mr. T. C. Thompson; Answer, The Attorney General Aug 23, 1843

**England and Ireland—The Legislative Union**

Observations, Mr. Parnell; Reply, Mr. W. E. Forster; long debate thereon August 24, 2009

**Epping Forest Bill**

(Mr. Arthur Peel, Secretary Sir William Harcourt)

c. Committee<sup>o</sup>; Report; Considered; read 3<sup>d</sup> Aug 3 [Bill 279]

l. Read 1<sup>st</sup> (Earl Granville) Aug 3 (No. 179)

Read 2<sup>d</sup>; Committee negatived; Standing Order No. XXXV. considered, and dispensed with; Bill read 3<sup>d</sup>, and passed Aug 5, 296

Royal Assent Aug 6 [43 & 44 Vict. c. cxxx]

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(Mr. Playfair, Mr. Chancellor of the Exchequer, Lord Frederick Cavendish)

c. Committee<sup>o</sup>; Report Aug 4 [Bill 294]  
 Read 3<sup>d</sup> Aug 5

l. Read 1<sup>st</sup> (Earl Granville) Aug 6

Read 2<sup>d</sup>; Committee negatived Aug 9

Read 3<sup>d</sup> Aug 10

Royal Assent Aug 12 [43 & 44 Vict. c. 21]

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(Mr. John Holmes, Lord Frederick Cavendish)

c. Ordered; read 1<sup>st</sup> Aug 3 [Bill 297]  
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**FELLOWES, Captain W. H., Huntingdonshire**

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Question, Mr. L. Fry; Answer, Mr. Arthur  
 Peel August 24, 1904

**Fraudulent Debtors (Scotland) Bill**

(Dr. Cameron, Mr. Ramsay, Mr. Middleton, Mr.  
 Mark Stewart)

- a. Committee \*; Report Aug 4 [Bill 259]  
 Committee \* (on re-comm.); Report Aug 11  
 Read 3<sup>o</sup> Aug 12 [Bill 298]  
 l. Read 1<sup>o</sup> \* (Lord Chancellor) Aug 13 (No. 193)  
 Read 2<sup>o</sup> Aug 16, 1197  
 Committee \* Aug 20 (No. 202)  
 Report \* Aug 24

**Free Education (Scotland) Bill**

(Dr. Cameron, Mr. M'Laren, Mr. Henderson,  
 Mr. Middleton)

- a. Ordered; read 1<sup>o</sup> \* Aug 4 [Bill 299]  
 Bill withdrawn \* Aug 11

**FRY, Mr. L., Bristol**

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**GABBETT, Mr. D. F., Limerick**

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**Game and Trespass Bill**

(Sir Henry Selwin-Ibbetson, Mr. Harcourt)

- a. Bill withdrawn \* Aug 10 [Bill 239]

**Game Laws Amendment Bill [Bill 291]**

(Mr. Knight, Mr. Wilbraham Egerton, Mr.

Brand, Mr. Pease)

- c. Moved, "That the Bill be now read 2<sup>o</sup>"  
 Aug 8, 221

Amendt. to leave out "now," and add "upon  
 this day three months" (Mr. Dillwyn);  
 Question proposed, "That 'now,' &c.;"  
 Moved, "That the Debate be now adjourned"  
 (Mr. J. W. Pease); Question put, and agreed  
 to; Debate adjourned

**Game Laws of Foreign Countries—Norway  
and Sweden**

Question, Mr. Bryce; Answer, Sir Charles W.  
 Dilke August 13, 1897

**GARNIER, Mr. J. CARPENTER-, Devon, S.**

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**General Police and Improvement (Scot-  
land) Provisional Order (Forfar Gas)  
Bill (Mr. Arthur Peel, Sir William Harcourt)**

- c. Report \* Aug 6 [Bill 283]  
 Read 3<sup>o</sup> \* Aug 9  
 l. Read 1<sup>o</sup> \* (Earl of Fife) Aug 10 (No. 189)  
 Read 2<sup>o</sup> \* Aug 16  
 Committee \*; Report Aug 17  
 Read 3<sup>o</sup> \* Aug 19

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**GIFFARD, Sir H. S., Launceston**

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**GRANTHAM, Mr. W., *Surrey, E.***

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(*Lord Elike, Mr. Puleston*)

c. Ordered; read 1<sup>o</sup> Aug 16 [Bill 312]

**GUEST, Mr. M. J., *Warham***

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**HAMILTON, Right Hon. Lord G. F., *Middlesex***

Hares and Rabbits, Comm. *cl.* 1, 1690

India (Finance, &c.)—East India Revenue Accounts—Financial Statement, Comm. 1459

**HAMILTON, Mr. I. T., *Dublin Co.***

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**HARCOURT, Right Hon. Sir W. G. V. (Secretary of State for the Home Department), *Derby***

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**Hares and Rabbits Bill (Mr. Gladstone, Sir**

*William Harcourt, Mr. Dodson, Mr. Attorney General, Mr. Shaw Lefevre, Mr. Arthur Peel)*

**c. Poor Rate, Questions, Mr. Donaldson-Hudson;**

Answers, Sir William Harcourt Aug 5, 304

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Moved, "That it be an Instruction to the Committee, that they have power to extend the provisions of the Bill to all game" (*Mr. Labouchere*); after short debate, Debate adjourned

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Moved, "That it be an Instruction to the Committee, that they have power to make provisions to restrict the buying and selling of eggs of game" (*Mr. Hicks*), 826; after short debate, Question put, and negatived

Moved, "That Mr. Speaker do now leave the Chair" (*Sir William Harcourt*); after debate, Question put, and agreed to; Committee—*r.p.* [Bill 194]

Committee—*r.p.* Aug 11, 877

Committee—*r.p.* Aug 19, 1883

Moved, "That this House will, To-morrow, at Two of the clock, again resolve itself into the said Committee" (*The Marquess of Hartington*); after short debate, Moved, "That the Debate be now adjourned" (*Sir H. Drummond Wolf*); after further short debate, Motion withdrawn

Original Question put, and agreed to

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**HAY, Right Hon. Sir J. O. D., *Wigtown, &c.***

- Census (Scotland), Consid. 867  
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**HENRY, Mr. Mitchell, *Galway Co.***

- Ireland, State of—Riots at Dungannon, 1848;  
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**HERMON, Mr. E., *Preston***

- Employers' Liability, Re-comm. *cl.* 1, 139, 140,  
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**HERSCHELL, Sir F. (*see* SOLICITOR GENERAL, The)****HICKS, Mr. E., *Cambridgeshire***

- Employers' Liability, Re-comm. *cl.* 1, 150;  
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**HOLKER, Sir J., *Preston***

- Employers' Liability, Re-comm. *cl.* 1, 127, 129,  
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**HOLMS, Mr. W., *Paisley***

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**HOPWOOD, Mr. C. H., *Stockport***

- Assaults on Young Persons, Comm. *cl.* 2, 1086;  
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**HOWARD, Mr. J., *Bedfordshire***

- Employers' Liability, Comm. *cl.* 1, 138, 144,  
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**HUBBARD, Right Hon. J. G., London**  
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**Inclosure Provisional Order (Llanfair  
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1. Committee<sup>a</sup>; Report Aug 3 (No. 145)  
Read 3<sup>a</sup> Aug 6  
Royal Assent Aug 6 [43 & 44 Vict. c. cxxxiii]

**INDERWICK, Mr. F. A., Rye**  
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*Civil Service*, Question, Mr. Gibson; Answer,  
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*Finance, &c.*—*The Financial Statement*, Que-  
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*Indian Medical Service*, Question, Mr. Pugh;  
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*The Governorship of Madras*, Question, Ob-  
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*The Maharajah Duleep Sing*, Question, Mr.  
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*The Province of Behar*—*The Judicial Lan-  
guage*, Question, Observations, Lord Stanley  
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nell; Answer, The Marquess of Hartington  
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*India (Finance, &c.)—East India Revenue  
Accounts*  
Ordered, That the several Accounts and Papers  
which have been presented to the House in

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*India (Finance, &c.)—East India Revenue  
Accounts*—cont.

this Session of Parliament relating to the  
Revenues of India be referred to the con-  
sideration of a Committee of the whole  
House (*Lord Frederick Cavendish*) August 13  
*The Financial Statement*, Order for Committee  
read; Moved, "That Mr. Speaker do now  
leave the Chair" (*The Marquess of Harting-  
ton*) August 17, 1379

Amendt. to leave out from "That," and add  
"the public expenditure in India and the  
charges on the Indian Revenues defrayed in  
England are excessive; and that, in the in-  
terests of the people in India, it is desirable  
to effect a prompt and large diminution of  
such expenditure" (*Mr. Oway*) v.; Que-  
tion proposed, "That the words, &c.;" after  
long debate, Moved, "That the Debate be  
now adjourned" (*Mr. Ashmead-Bartlett*);  
Motion agreed to; Debate adjourned  
Debate resumed August 17, 1434; after long  
debate, Moved, "That the Debate be now  
adjourned" (*Sir George Balfour*); after fur-  
ther short debate, Question put, and agreed  
to; Debate further adjourned

## India—System of Administration

Petition, Observations, The Earl of Camper-  
down August 20, 1718

Petition for an inquiry into the system of ad-  
ministration which has been in force in India  
since 1858, in conformity with the periodical  
parliamentary inquiries on each renewal of  
the Charter of the East India Company;  
and also for certain reforms and a representa-  
tion of the Indian people in the Councils of  
the Empire; of British Indian Association;  
read, and ordered to lie on the Table

**Inhabited House Duty and Income Tax  
Bill** (*Mr. Hubbard, Mr. Whitley,  
Mr. Leatham, Sir Charles Forster*)

e. Bill withdrawn<sup>a</sup> Aug 11 [Bill 159]

## Inland Revenue Bill

1. Read 1<sup>a</sup> (*Earl Granville*) Aug 3 (No. 177)  
Read 2<sup>a</sup>; Committee negatived Aug 6  
Read 3<sup>a</sup> Aug 9  
Royal Assent Aug 12 [43 & 44 Vict. c. 20]

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### Bridges

*Re-naming of Carlisle Bridge, Dublin*, Que-  
tions, Mr. Dawson; Answers, Mr. W. E.  
Forster August 9, 621; August 16, 1212;  
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Mr. W. E. Forster August 23, 1863

*The Cunnigar Bridge*—*Report of the Inspectors  
of Irish Fisheries*, Question, Mr. O'Donnell;  
Answer, Mr. W. E. Forster August 23, 1867

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*Commission on Boundaries of Cities and Towns, Question, Mr. Corry; Answer, Mr. W. E. Forster August 12, 974*

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*Assassination at New Ross (Mr. Boyd), Questions, Sir Stafford Northcote; Answers, Mr. W. E. Forster August 9, 637*

*Crown Rights to the Foreshore—Skerries, Question, Mr. W. Corbet; Answer, The Solicitor General for Ireland August 17, 1868*

**Relief of Distress (Ireland) Act**

*Application of Loans, Questions, Mr. Dillon, Mr. Molloy, Mr. A. M. Sullivan, Mr. T. P. O'Connor; Answers, Mr. W. E. Forster August 6, 457*

*Loans to Landlords, Question, The O'Donoghue; Answer, Mr. W. E. Forster August 28, 1843*

**Distress**

*Assisted Emigration, Observations, The Earl of Dunraven; Reply, The Earl of Kimberley; short debate thereon August 9, 605; Questions, Mr. Newdegate; Answers, Mr. W. E. Forster August 5, 823; August 10, 707*

*Fever at Ballina, Question, Mr. Sexton; Answer, Mr. W. E. Forster August 5, 313*

*Relief Works, Tyranny, Questions, Mr. O'Connor Power; Answers, Mr. W. E. Forster August 23, 1861*

*Evictions—Harsh Treatment, Question, The O'Donoghue; Answer, Mr. W. E. Forster August 23, 1866*

**Poor Law**

*Baumboy Union, Co. Cavan, Question, Mr. Biggar; Answer, Mr. W. E. Forster August 12, 966*

*Castlebar Union—Out-door Relief, Question, Mr. O'Connor Power; Answer, Mr. W. E. Forster August 12, 969; Questions, Mr. J. G. Talbot; Answers, The Solicitor General for Ireland, Mr. Childers August 19, 1567*

*Dispensary Houses, Question, Mr. Bellingham; Answer, Mr. W. E. Forster August 5, 802*

*Separation of Aged Married Paupers in Work-houses—The Strand Union, Questions, Mr. A. M. Sullivan; Answers, Mr. W. E. Forster August 12, 988; August 16, 1224*

*Superannuation of Medical Officers, Question, Mr. Meldon; Answer, Mr. W. E. Forster August 10, 767*

**Education**

*Commissioners of National Education—Special Extra Subjects—The Irish Language, Question, Mr. Sexton; Answer, Mr. W. E. Forster August 13, 1096*

*Education Office (Dublin)—Writers, Question, Mr. Blake; Answer, Lord Frederick Cavendish August 19, 1879*

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*Intermediate Education—Commissioners—Examinations at Parsonstown, Question, Mr. Arthur O'Connor; Answer, Mr. W. E. Forster August 23, 1866*

*Model Schools, Question, Mr. Biggar; Answer, Mr. W. E. Forster August 23, 1840*

*England and Ireland—The Legislative Union Observations, Mr. Parnell; Reply, Mr. W. E. Forster; long debate thereon August 24, 2009*

*Hospitals and Infirmarys, Question, Mr. William Corbet; Answer, Lord Frederick Cavendish August 13, 1093;—St. Patrick's Hospital, Dublin, Question, Mr. William Corbet; Answer, The Solicitor General for Ireland August 5, 305*

*Inland Navigation—Drainage Works, Killesnoe, Question, Sir Patrick O'Brien; Answer, Lord Frederick Cavendish August 5, 312*

*Inspectors of Irish Fisheries, Question, Mr. Blake; Answer, The Solicitor General for Ireland August 19, 1871*

*Irish Church Temporalities Commissioners—The Trustees of St. Catherine's Parish, Dublin, Question, Mr. William Corbet; Answer, The Solicitor General for Ireland August 13, 1093*

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*High Court of Justice—The Clerk of the Crown in the Queen's Bench Division, Question, Mr. Biggar; Answer, Mr. W. E. Forster August 5, 299*

*Petty Sessions Fines in Ireland, Question, Mr. Dawson; Answer, Mr. W. E. Forster August 16, 1207*

*Legacy Duty Department (Dublin), Question, Mr. Meldon; Answer, Lord Frederick Cavendish August 19, 1882*

*Lunatic Asylums—Superannuation of Officers and Servants, Question, Mr. William Corbet; Answer, Mr. W. E. Forster August 9, 638*

*Offences against the Excise Laws—Tobacco (Seizures), Question, Mr. William Corbet; Answer, Lord Frederick Cavendish August 2, 117*

*Railways—The Great Southern and Western Railway Company of Ireland and the Waterford and Limerick Railway Company, Questions, Mr. Gibson; Notice of Question, Mr. Callan; Answers, Mr. Chamberlain August 6, 316;—The Limerick Junction, Questions, Mr. E. Stanhope, Mr. Gibson; Answers, Mr. Chamberlain August 12, 977*

*Road Repairs, Co. Cavan, Question, Mr. Biggar; Answer, Mr. W. E. Forster August 12, 966*

*Road Works, Sligo Co., Question, Mr. O'Kelly; Answer, Lord Frederick Cavendish August 5, 308*

*Royal College of Science and Art (Dublin)—Attendance, Question, Mr. Sexton; Answer, Mr. Mundella August 12, 981*

**State of Ireland**

*Questions, Mr. O'Connor Power, Answers, Mr. W. E. Forster August 6, 464; Questions, Sir Walter B. Bartelott, Mr. T. P. O'Connor, Mr. J. Cowen; Answers, Mr. W. E. Forster, Sir Walter B. Bartelott August 17, 1871*



**IRELAND—State of Ireland—cont.**

*Attack on the Police at Loughrea*, Questions, Mr. Sexton; Answers, Mr. W. E. Forster August 12, 983; August 16, 1214

*Security for Life and Property—Legislation*, Questions, Lord Randolph Churchill, Mr. A. M. Sullivan, Mr. T. P. O'Connor; Answers, Mr. W. E. Forster, The Marquess of Hartington August 23, 1845

*Speech of Mr. Dillon at Kildare*, Observations, Mr. Dillon August 23, 1870

Moved, "That this House do now adjourn" (Mr. Dillon); after long debate, Question put; A. 21, N. 127; M. 108 (D. L. 134)

*The Land League*, Question, Observations, Lord Oranmore and Browne; Reply, Earl Spencer August 20, 1708

*Statistics—Potato Disease*, Question, Major Nolan; Answer, Mr. W. E. Forster August 12, 973

*The Home Rule Members*, Question, Mr. Tottenham; Answer, The Marquess of Hartington August 10, 779

*The Robbery of Arms in Cork Harbour*, Question, Sir Patrick O'Brien; Answer, Mr. W. E. Forster August 12, 987; Question, Colonel Makins; Answer, Mr. W. E. Forster August 13, 1103

*The Magistracy—Exclusion of Catholics*, Questions, Mr. Callan; Answers, Mr. W. E. Forster August 5, 319

**The Royal Irish Constabulary**

*Foxford, Co. Mayo*, Question, Mr. O'Connor Power; Answer, Mr. W. E. Forster August 5, 307

*Disturbances*, Questions, Mr. Dillon, Mr. O'Connor Power; Answers, The Solicitor General for Ireland August 10, 777

*Promotion in the Higher Grades*, Question, Mr. Redmond; Answer, Mr. W. E. Forster August 16, 1213

*The Riots at Dungannon—Firing on the People by the Constabulary*, Questions, Mr. Sexton, Mr. W. Corbet; Answers, Mr. W. E. Forster August 17, 1375; Questions, Mr. Finigan, Mr. Parnell, Mr. Mitchell Henry; Answers, Mr. W. E. Forster August 23, 1847

*Troops and Constabulary (Numbers)*, Questions, Mr. T. P. O'Connor; Answers, Mr. W. E. Forster August 16, 1213

*University Education (Ireland) Act, 1879—Scheme of the Senate*, Question, Mr. Sexton; Answer, Mr. W. E. Forster August 16, 1208

**Ireland—Fever in the West of Ireland**

Amend. on Committee of Supply August 13, To leave out from "That," and add "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, and other parts of the West of Ireland, demands the serious and immediate attention of Her Majesty's Government; that effective sanitary arrangements should be carried out in those districts under the authority of the Local Government Board; that it is essential, with a view to preventing the spread of contagious disease, that a change of nutri-

[cont.]

**Ireland—Fever in the West of Ireland—cont.**

tious food should be given to all persons receiving relief under the Poor Law, or under the system substituted for the Poor Law in certain localities, and that a competent medical staff should be organized without delay, and distributed over those parts of the country visited by fever" (Mr. O'Connor Power) v. 1129; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Amendt. to leave out from "That," and add "in the opinion of this House, the present condition of the agricultural population in Mayo, Sligo, Galway, and other parts of the West of Ireland, demands the serious and immediate attention of Her Majesty's Government" (Mr. O'Connor Power) v.; Question, "That the words, &c.," put, and negatived

Words added; main Question, as amended put, and agreed to

**Ireland—The Royal Irish Constabulary**

Amendt. on Committee of Supply August 24

Moved, "That it is unconstitutional and inexpedient to grant supplies of public money for the maintenance of the armed force known as the Royal Irish Constabulary, whose regulations and rules of discipline have not been communicated to Parliament" (Mr. O'Donnell), 1994 [The Motion, not being seconded, was not put]

**Irish (Relief of Distress) Loans Amendment Bill** (Lord Frederick Cavendish, Mr. Attorney General for Ireland)

a. Ordered; read 1<sup>st</sup> Aug 20 [Bill 317]  
Read 2<sup>d</sup>, after short debate Aug 23, 1953

**JACKSON, Sir H. M., Coventry**

Employers' Liability, Re-comm. cl. 1, 151, 156, 101, 162, 168, 188, 201, 212, 219, 275, 282; cl. 2, 293, 343, 349, 354, 360; cl. 3, 364, 377; cl. 4, 478; cl. 6, Amendt. 514, 516, 518; add. cl. 578, 590, 595

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**JAMES, Sir H. (see ATTORNEY GENERAL, The)**

**Japan—Interference with Chemical Trades**

Question, Mr. R. N. Fowler; Answer, Sir Charles W. Dilke August 6, 459

**JENKINS, Mr. D. J., Penryn, &c.**

Merchant Shipping (Carriage of Grain), Comm. cl. 4, Amendt. 1692, 1693, 1695, 1696, 1697; cl. 6, Amendt. 1698, 1699

**JOHNSON, Mr. W. M. (Solicitor General for Ireland), Mallow**

County Courts Jurisdiction in Lunacy (Ireland), 2R. 1081

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JOHNSON, Mr. W. M.—*cont.*

- Ireland—Miscellaneous Questions
- Crown Rights to the Foreshore—Skerries, 1369
- Disturbances—The Constabulary, 777, 778
- Inspectors of Irish Fisheries, 1571
- Irish Church Temporalities Commissioners—Trustees of St. Catherine's Parish, Dublin, 1094
- Poor Law—Out-door Relief, 1568
- St. Patrick's Hospital, Dublin, 306
- Supply—Criminal Lunatics, 1270, 1271

KENNAWAY, Sir J. H., *Devon, E.*

- Hares and Rabbits, Comm. 815
- Post Office—Appointment to Postmasterhips, 1575

KIMBERLEY, Earl of (Secretary of State for the Colonies)

- Africa, South—Sir Bartle Frere—Papers and Correspondence in Basutoland, 2
- Distress (Ireland)—Assisted Emigration, 618, 618
- Malta, 1355
- Reporting in the House of Lords, Report of the Select Committee, Res. 450
- Wild Birds Protection Law Amendment, 3R. 297

KINGSOOTE, Colonel R. N. F. *Gloucestershire, W.*

- Hares and Rabbits, Comm. cl. 1, 897, 926
- Slaughter of Imported Cattle, Res. 547

KINNEAR, Dr. J., *Donegal*

- Census (Ireland), Comm. cl. 3, 748

Kinsale Harbour Bill

- 1. Read 1<sup>o</sup> (Lord President) Aug 3 (No. 178)
- Read 2<sup>o</sup> Aug 6
- Committee<sup>o</sup>; Report Aug 10
- Read 3<sup>o</sup> Aug 12

KNIGHT, Mr. F. W., *Worcestershire, W.*

- Game Laws Amendment, 2R. 222
- Hares and Rabbits, Comm. cl. 1, 1648, 1665

KNOWLES, Mr. T., *Wigan*

- Employers' Liability, Re-comm. cl. 1, 133, 143

LABOUCHERE, Mr. H., *Northampton*

- Employers' Liability, Re-comm. cl. 1, 277;
- Consid. add. cl. Amendt. 1111, 1112
- Hares and Rabbits, Comm. Amendt. 798, 817, 821, 823, 826; cl. 1, 894; Amendt. 943, 1686, 1628; cl. 5, 1761
- Supply—Embassies and Missions Abroad, 1822, 1823, 1824, 1825, 1827, 1837

LAMBTON, Hon. F. W., *Durham, S.*

- Employers' Liability, Comm. cl. 6, Amendt. 504

*Landlord and Tenant (Ireland) Act, 1870*

- The Royal Commission on Land*, Questions, Mr. Ashton Dilke, Mr. Justin M'Carthy; Answers, The Marquess of Hartington August 3, 122; Question, Mr. Justin M'Carthy; Answer, Mr. W. E. Forster August 23, 1844

*Landlord and Tenant (Ireland) Act, 1870*

—*The Commission*

- Moved, "That an humble Address be presented to the Crown, praying Her Majesty to re-constitute the Royal Commission appointed to inquire into the working of the Land Act of 1870, in such a manner as to afford by its composition an adequate representation to the tenant farmers of Ireland" (*Mr. Justin M'Carthy*) August 5, 395; after debate, Question put; A. 49, N. 123; M. 74 (D. L. 94)

LAW, Right Hon. H. (Attorney General for Ireland), *Londonderry Co.*

- Drainage Boards (Ireland) (Additional Powers), 428
- Supply—Queen's Bench, &c. 1946

## LAW AND JUSTICE

### MISCELLANEOUS QUESTIONS

- Judicial Pensions—Superannuations*, Question, Mr. Pugh; Answer, The Attorney General August 5, 308
- The Evidence Act—Oaths and Affirmations—Objection to take an Oath*, Question, Mr. Evans Williams; Answer, The Attorney General August 19, 1576; Question, Mr. Bradlaugh; Answer, The Attorney General August 20, 1721; — *Jurors Objecting to Swear or Affirm*, Question, Sir Henry Peck; Answer, Sir William Harcourt August 16, 1308; — *Evidence of Freethinkers*, Question, Mr. Bradlaugh; Answer, Sir William Harcourt August 17, 1363
- Summary Jurisdiction Act, 1879—Cumulative Sentences—Case of George Davies*, Questions, Mr. P. A. Taylor; Answers, Mr. Arthur Peel August 3, 116
- The Prisons Service (England and Ireland)*, Question, Mr. William Corbet; Answer, Lord Frederick Cavendish August 12, 970

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- Burglary in Dorsetshire*, Question, Mr. A. M. Sullivan; Answer, Sir William Harcourt August 16, 1225
- Italian Children in England*, Question, Sir H. Drummond Wolf; Answer, Sir William Harcourt August 5, 306
- Metropolis—Police Constable Horsford*, Question, Mr. Carington; Answer, Sir William Harcourt August 9, 627
- The Lichfield Election Assault Case*, Questions, Mr. Jesse Collings; Answers, Sir William Harcourt August 6, 630; August 17, 1365

[See title *Criminal Law*]

**Law of Ejectment (Ireland) Bill**

(Major Nolan, Mr. A. M. Sullivan, Mr.  
O'Connor Power)

c. Ordered; read 1<sup>o</sup> Aug 5 [Bill 302]  
Read 2<sup>o</sup> Aug 17

LAWRANCE, Mr. J. C., *Lincolnshire, S.*  
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LAWSON, Sir W., *Carlisle*

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LEEMAN, Mr. J. J., *York*

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the Admiralty), *Reading*

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Supply—Consular Establishments Abroad,  
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c. Report Aug 10 [Bill 282]  
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l. Committee Aug 16 (No. 116)  
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l. Royal Assent Aug 6 [43 & 44 Vict. c. cxxxii]

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(Mr. Hopwood, Mr. Thomasson)

c. Ordered; read 1<sup>o</sup> Aug 4 [Bill 300]  
Read 2<sup>o</sup> Aug 13

Married Women's Policies of Assurance (Scotland) Bill

(Mr. William Holms, Mr. James Cowan, Mr. James Campbell, Colonel Alexander, Mr. Tennant, Mr. Dick - Peddie, Mr. James Stewart)

c. Committee\* (on re-comm.); Report; Considered Aug 5 [Bill 370]

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l. Read 1<sup>o</sup> (Earl of Camperdown) Aug 10 (No. 188)

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*Water Supply*, Question, Observations, Earl Fortescue; Reply, The Earl of Fife August 16, 1200

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Moved to resolve, "That the newspaper reporters be placed on each side of the Peers' gallery under the two centre windows, the gallery now used by reporters being appropriated in lieu of the accommodation thus taken" (*The Earl Beauchamp*) August 6, 432; after debate, on Question! Cont. 25, Not-Cont. 14; M. 11; resolved in the affirmative

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inexpedient, in the interest of Public Business, that important measures should be brought under the consideration of the House at a period of the Session at which it is impossible that they should receive adequate discussion" (*Mr. Arthur Balfour*) v. 1777; Question proposed, "That the words, &c.;" after long debate, Question put; A. 119, N. 59; M. 60 (D. L. 133)

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Moved, "That the Orders of the Day subsequent to the Employers' Liability Bill be postponed until after the Notice of Motion relating to the Land Act, 1870 (Commission)" (*The Marquess of Hartington*) August 5, 330; after short debate, Amendt. after "Bill," to insert "with the exception of Order No. 19" (*Sir Wilfrid Lawson*): Question proposed, "That those words be there inserted;" after further short debate, Amendt. withdrawn  
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inexpedient, in the interest of Public Business, that important measures should be brought under the consideration of the House at a period of the Session at which it is impossible that they should receive adequate discussion" (*Mr. Arthur Balfour*) v. 1777; Question proposed, "That the words, &c.;" after long debate, Question put; A. 119, N. 59; M. 60 (D. L. 133)

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August 10—Lord Claud John Hamilton, *Liverpool*

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Read 3<sup>d</sup> Aug 6

l. Read 1<sup>st</sup> (Lord President) Aug 9 (No. 184)

Read 2<sup>d</sup> Aug 13

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Read 3<sup>d</sup> Aug 17

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**Summary Jurisdiction (Ireland) Bill**

(Mr. Errington, Sir Patrick O'Brien)

c. Ordered; read 1<sup>st</sup> Aug 17 [Bill 313]

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Resolutions reported August 10, 872

Moved, "That the said Resolutions be read a second time"

Moved, "That the Debate be now adjourned" (Sir John Hay); after short debate, Motion withdrawn

Main Question put, and agreed to; First Five Resolutions agreed to

Sixth Resolution; Moved, "That the Resolution be re-committed" (Lord Frederick Cavendish); Motion agreed to

Subsequent Resolutions agreed to

Considered in Committee August 11—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Resolution reported August 12

Considered in Committee August 16, 1235—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—CLASS IV.—EDUCATION, SCIENCE, AND ART—CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES—Committee—R.F.; Resolutions reported August 17

Considered in Committee August 23, 1936—CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC WORKS AND BUILDINGS—CLASS III.—LAW AND JUSTICE

Resolutions reported, and agreed to August 24, 2072

Considered in Committee August 24, 2000—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Resolutions reported August 25

**TALBOT, Mr. J. G., Oxford University**

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c. Ordered; read 1<sup>o</sup> Aug 3 [Bill 296]

**Thames Steam Navigation Regulation Bill** (*Mr. Charles M'Laren, Mr. Otway, Mr. James, Mr. Brodrick*)  
c. Ordered; read 1<sup>o</sup> Aug 20 [Bill 316]

**THOMASSON, Mr. J. P., Bolton**  
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**Tramway Companies—Railway Passenger Duty**  
Question, Mr. Hanbury-Tracy; Answer, Lord Frederick Cavendish August 23, 1860

**Tramways Orders Confirmation (No. 1) Bill** (*The Viscount Enfield*)  
1. Committee<sup>a</sup> Report Aug 3 (No. 133)  
Read 3<sup>a</sup> Aug 5

**Tramways Orders Confirmation (No. 2) Bill** (*The Viscount Enfield*)  
1. Committee<sup>a</sup> Aug 3 (No. 134)  
Report<sup>a</sup> Aug 5  
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### *Treaty of Berlin*

#### MISCELLANEOUS QUESTIONS

*Article XI.—Rams of the Fortresses of Bulgaria—Article XLII.—The Turkish Debt,* Question, Sir H. Drummond Wolff; Answer, Sir Charles W. Dilke August 19, 1873

[cont.]

### *Treaty of Berlin—cont.*

*Bulgaria—Ill-Treatment of Mussulmans,* Questions, Mr. Ashmead-Bartlett; Answers, Sir Charles W. Dilke August 19, 1881

*Conference of Berlin—Guarantee of Turkish Territory,* Questions, Mr. Otway, Sir Stafford Northcote; Answers, Sir Charles W. Dilke August 12, 1868;—*The Collective Note,* Questions, Lord Randolph Churchill, Mr. Bourke, Mr. A. J. Balfour; Answers, Sir Charles W. Dilke August 6, 460;—*The Parliamentary Papers,* Question, Mr. Bourke; Answer, Sir Charles W. Dilke August 3, 124

*Mobilisation of the Greek Army,* Question, Sir H. Drummond Wolff; Answer, Sir Charles W. Dilke August 9, 632

*The Slave Trade in Turkey,* Question, Mr. Anderson; Answer, Sir Charles W. Dilke August 16, 1214

*Turkey and Montenegro,* Question, Mr. Bourke; Answer, Sir Charles W. Dilke August 10, 779;—*Cession of Dulcigno,* Question, Mr. Bourke; Answer, Sir Charles W. Dilke August 12, 984

### *Treaty of Berlin—The Greek Frontier*

Moved, "That an humble Address be presented to Her Majesty for any diplomatic correspondence which has passed with foreign powers on the subject of a naval demonstration to effect a change of frontier between Greece and the Ottoman Empire" (*The Lord Stratheden and Campbell*) August 16, 1194; after short debate, Motion withdrawn

### *Treaty of Washington—The Fortune Bay Fishery Dispute*

Question, Mr. Gourley; Answer, Sir Charles W. Dilke August 19, 1571

### TURKEY

#### MISCELLANEOUS QUESTIONS

*Affairs in Turkey—The Indian Mahomedans—Afghanistan—The Military Position,* Questions, Mr. Ashmead-Bartlett; Answers, The Marquess of Hartington August 6, 462

*Navigation of the Red Sea,* Question, Mr. Arthur Arnold; Answer, Sir Charles W. Dilke August 17, 1864

*Reported Flight of a Female from the Sultan's Harem at Constantinople,* Questions, Mr. Anderson; Answers, Sir Charles W. Dilke August 19, 1572; August 23, 1842

*Rumoured Naval Demonstration,* Question, Observations Lord Stanley of Alderley; Reply, Earl Granville; Observations, Lord Stratheden and Campbell August 9, 597; Question, Mr. Otway; Answer, Sir Charles W. Dilke August 12, 968

*Turkish Guaranteed Loan, 1865,* Question, Mr. Monk; Answer, Sir Charles W. Dilke August 5, 304

### *Turkey—Bulgaria and Eastern Roumelia—Condition of the Mahomedan Population*

Amendt. on Committee of Supply August 24, To leave out from "That," and add "the

[cont.]

*Turkey—Bulgaria and Eastern Roumelia—Condition of the Mahomedan Population.—cont.*

oppression and barbarity to which the Mussulman population of Bulgaria and Eastern Roumelia has been subjected during and since the conclusion of the Russo-Turkish War of 1877, deserves the strong condemnation of Europe; that Her Majesty's Government should take, with or without the co-operation of other European Powers, effectual steps to secure the complete repatriation of the remnant of the Mussulman population of those provinces, and to secure protection for their persons and property from outrage and robbery; that Her Majesty's Government should urge the fulfilment of those provisions of the Treaty of Berlin which are intended to insure justice for Turkey and equal rights for her Mahomedan inhabitants" (*Mr. Ashmead-Bartlett*) v., 2000; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

**TYLER, Sir H. W., *Harwich***

Employers' Liability, *Consid. add. cl. 1110*, 1119

Hares and Rabbits, *Comm. cl. 1*, 1841

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**Vaccination Acts Amendment Bill**

(*Mr. Dodson, Mr. Hibbert*)

c. Bill withdrawn \* Aug 9 [Bill 222]

**VIVIAN, Mr. A. P., *Cornwall, W.***

Employers' Liability, *Comm. cl. 2*, 351

**VIVIAN, Mr. H. Hussey, *Glamorganshire***

Employers' Liability, *Comm. cl. 1*, 125, 135,

169, 184, 210, 217; *Amendt.* 219, 220, 264,

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510; *Consid. add. cl. 1109*, 1123; *cl. 1*, 1173

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**WALPOLE, Right Hon. Spencer H., *Cambridge University***

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**WALTER, Mr. J., *Berkshire***

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**WARTON, Mr. C. N., *Bridport***

Assaults on Young Persons, *Comm. cl. 2*, 1085, 1086

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Census (Scotland), *Consid.* 872

**WARTON, Mr. C. N.—cont.**

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**WATKIN, Sir E. W., *Hythe***

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**WAUGH, Mr. E., *Cockermouth***

Hares and Rabbits, *Comm. cl. 1*, 849

**WAUGH, Mr. E., *Cockermouth***

Hares and Rabbits, *Comm. cl. 1*, 849

**WAVENBY, Lord**

Reporting in the House of Lords, Report of Select Committee, *Res.* 455

**WAYS AND MEANS**

Considered in Committee August 9

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1891, the sum of £10,818,274 be granted out of the Consolidated Fund of the United Kingdom

Resolution reported August 10

[See title *Consolidated Fund (No. 2) Bill*]

**WAYS AND MEANS**

*Inland Revenue—Revenue of Customs for 1879*,

Question, *Mr. Meldon*; Answer, *Lord Frederick Cavendish* August 12, 1879

**WEBSTER, Mr. J., *Abertoeen***

Employers' Liability, *Re-comm. cl. 3*, 384, 389; *cl. 5*, 424, 425; *Amend.* 501, 504

**WEDDERBURN, Sir D., *Haddington Burghs***

Employers' Liability, *Re-comm. cl. 1*, *Amend.* 125, 127; *cl. 3*, 390

Hares and Rabbits, *Comm. cl. 6*, *Amend.* 1818, 1820

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**WHITLEY, Mr. E., *Liverpool***

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**WILLIAMS, Mr. S. C. E., New Radnor**  
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**WILLIAMS, Mr. W., Carnarvonshire**  
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**WODEHOUSE, Mr. E. R., Bath**  
Supply—Convict Establishments in England  
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**WOLFF, Sir H. D., Portsmouth**  
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**WYNDHAM, Hon. P. S., Cumberland, W.**  
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**YORKE, Mr. J. R., Gloucestershire, E.**  
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